

CONFIDENTIAL.

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PART IV.

FURTHER CORRESPONDENCE

RESPECTING

AFFAIRS IN NORTH AFRICA.

24

January to June 1883.

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ERRATA.

Page 19, No. 26. In 1st line, for "16th instant" read "16th ultimo."
 Page 20. In foot-note, for "No. 19" read "No. 29."
 Page 25, No. 36. In 1st line, for "2nd instant" read "2nd January;" and omit No. 37.
 Page 30. In foot-note, for "Memorandum, January 27," read "No. 13*."
 Page 57, No. 80. In 1st line, for "yesterday" read "3rd instant."
 Page 98, No. 129, line 5. See No. 127.

CONFIDENTIAL.

Further Correspondence respecting Affairs in North Africa.

PART IV.

No. 1.

Earl Granville to Sir J. Drummond Hay.(No. 1.)
Sir,*Foreign Office, January 1, 1883.*

I HAVE received your despatch No. 150 of the 12th ultimo, forwarding copy of a letter from the Vizier Mukhtar to yourself, in which a suggestion is made that the Sultan of Morocco should send an Agent to this country to endeavour to come to an understanding with Her Majesty's Government respecting the questions raised by the establishment of a trading factory at Cape Juby by the North-west African Company.

Her Majesty's Government are not of opinion that the presence of a Moorish Agent would in any way facilitate a settlement, and I have consequently to request that you will discourage the idea.

I will communicate confidentially with the North-west African Company upon the subject of the compromise which you suggest.

I am, &c.
(Signed) GRANVILLE.

No. 2.

Sir J. Pauncefoot to Mr. H. Lee, M.P.(Confidential.)
Sir,*Foreign Office, January 1, 1883.*

WITH reference to previous correspondence on the subject of Mr. Mackenzie's operations at Cape Juby on behalf of the North-west African Trading Company, I am directed by Earl Granville to state to you, for your confidential information, that Her Majesty's Minister in Morocco has recently suggested that it might perhaps be possible to settle the controversy which has arisen with the Moorish Government owing to the proceedings of the Company at Cape Juby by means of a compromise.

In the year 1880 the Moorish Government gave Sir J. D. Hay to understand that the Sultan would be prepared to compensate Mr. Mackenzie for the outlay which had been incurred in the buildings, &c., at Cape Juby, upon condition of his withdrawal.

You are doubtless aware that the Moorish Government are taking steps to open a port on the southern confines of the Sultan's dominions, and if, when this port is opened, His Majesty should give orders to the Moorish tribes to stop the passage of merchandize to and from Cape Juby, the trade at that place from the north might be checked or even destroyed.

Under these circumstances, Sir J. D. Hay is inclined to think that a compromise of the kind above suggested might be best for all parties.

He points out that, if the site at Cape Juby were handed over to the Sultan's authorities, arrangements might perhaps be made for permitting Mr. Mackenzie or other members of the North-west African Company to remain, if they were desirous of doing so, upon condition of continuing their business subject to the Tariff dues which would be levied according to existing Treaties by the Sultan's customs officers, who would be ordered to proceed thither.

It appears to Lord Granville that Sir J. D. Hay's suggestions are worthy of serious consideration; but before taking any steps in the matter, his Lordship is desirous of ascertaining the views and wishes of the North-west African Company.

I am to request that this communication may be regarded as strictly confidential.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 3.

Earl Granville to Sir J. Drummond Hay.

(No. 2. Confidential.)

Sir,
Foreign Office, January 2, 1883.
I TRANSMIT to you herewith, for your confidential information, copy of a letter which I have addressed to Mr. Lee, M.P., of the North-west Coast of Africa Trading Company,* communicating your suggestions as to endeavouring to settle by compromise the questions raised by the proceedings of the Company at Cape Juby.

I am, &c.
(Signed) GRANVILLE.

No. 4.

Mr. West to Earl Granville.—(Received January 3, 1883.)

(No. 443.)

My Lord,

Washington, December 22, 1882.

WITH reference to my despatch No. 387 of the 1st ultimo, I have the honour to inclose to your Lordship herewith printed copies of a joint Resolution lately introduced into the House of Representatives respecting the administration of justice in Tunis, which was originated by the State Department in consequence of a communication from the French Minister, M. Roustan, and the desire of the Secretary of State to meet also the views of Her Majesty's Government on this subject, which I communicated to him in my note, copy of which was inclosed in my above-mentioned despatch.

Printed copies of the note of the Secretary of State to the Chairman of the Committee of Foreign Relations of the House of Representatives and of the note of the French Minister are subjoined.

The Resolution has now been submitted to the Senate.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 4.

[47th Congress,
2nd Session.]

HOUSE OF REPRESENTATIVES.

[No. 303.]

In the Senate of the United States, December 20, 1882.

(Read twice and referred to the Committee on Foreign Relations.)

Joint Resolution respecting the Administration of Justice in Tunis.

WHEREAS the Government of France proposes to establish in Tunis a judicial system common among Christian nations, so that the Courts in that country shall be fully open for the protection of citizens of the United States in their personal property and rights: therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that when the President of the United States shall be satisfied that a system for the administration of justice shall be established in Tunis by the Government of France, in accordance with the usage of civilized and Christian nations, under which all rights of person and property of the citizens of the United States may be fully and permanently protected, he shall be, and is hereby, authorized, by proclamation, to declare that the right on the part of the United States and its citizens to claim extra-

territorial jurisdiction within said territory of Tunis, as secured by existing Treaties and laws, has ceased, and will no longer be claimed or exercised.

Passed the House of Representatives December 19, 1882.

Attest:
(Signed) EWD. McPHERSON, Clerk.

Inclosure 2 in No. 4.

Extract from the "Congressional Record" of December 20, 1882.

Sir, Department of State, Washington, December 6, 1882.

I HAVE the honour to lay before your Committee a note lately received from the French Minister at this capital, announcing the intention of the Government of that Republic to extend to the territory of the Bey of Tunis the judicial Tribunals and procedure of France, and asking that this Government renounce, in favour of such French Tribunals and procedure, any rights it may have had, or might still claim, to exercise Consular extra-territorial jurisdiction, in virtue of Treaty stipulations with Tunis, or the usage of non-Christian countries.

As the Statutes (Revised Statutes, section 4127) expressly mention Tunis as a country to which such extra-territorial jurisdiction extends, it seems proper that Congress should take cognizance of the matter, and, by appropriate legislation, enable the cessation of a mode of procedure the exercise of which is no longer required.

This may be done by authorizing the President to issue a Proclamation to the desired end, or by amending section 4127 of the Revised Statutes, so as to strike out the word "Tunis."

As the French judicial system becomes operative in Tunis on the 1st January next, the prompt action of Congress in the matter seems desirable. Meanwhile, I may remark, no case of conflict as to jurisdiction is likely to arise, as the Consulate of the United States at Tunis has been closed, through the omission of the usual appropriation for its support from the current act.

I have, &c.
(Signed) FREDK. T. FRELINGHUYSEN.

Hon. C. G. Williams,
Chairman Committee on Foreign Affairs.

*Legation of France in the United States, Washington,
November 20, 1882.*

Mr. Secretary of State,

Since the Treaty of Bordo placed Tunis under the protectorate of France, the Government of the Republic has given its attention to introducing in the States of the Bey administrative institutions, which may assure to that country and its inhabitants the advantages of civilization. Among the most original reforms, in order to attain this end, is the reorganization of justice. It becomes necessary to create in Tunis French Tribunals, following the model of those in France, and administrative justice conformable to French laws. This new procedure, which will go into operation from the 1st January next, will, therefore, present the same guarantees of impartiality and of good justice as the Tribunals of the mother country and of Algiers. It is, however, important, to the end that it may yield all its advantages, that the strangers established in the Regency should not invoke, in order to withdraw themselves from French jurisdiction, the privileges and usages which exist in Mussulman countries in favour of Christians. It will be necessary to that end for the foreign Powers to renounce any claim on behalf of their citizens and subjects, to the benefits of Consular jurisdiction, to which jurisdiction they are at present submitted.

In acquainting you with this situation of affairs, I should add that my Government would be happy if the Cabinet at Washington would kindly lend its aid to facilitate, by making such a renunciation. The operation of Courts, which will assure besides to the citizens of the United States an administration of justice, sufferable, from many points of view, to that which they have hitherto found at Tunis.

Several Powers have already shown themselves disposed to renounce the benefits of Consular jurisdiction in behalf of their citizens and subjects from the day when we shall offer them, in the States of the Bey, the guarantees of French justice.

It is, moreover, only the application of a practice constantly followed whenever territories where Consular jurisdiction was formerly in effect have passed under the suzerainty of a Christian State, and the Government of the United States will, I hope, kindly take

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ALY WITHOUT PERMISSION OF THE
PUBLIC RECORD OFFICE, LONDON

into account the considerations which I have had the honour to set forth to you, by adopting, with regard to Tunis, the practice already established there by several precedents in other countries.

Be pleased to accept, &c.
(Signed) TH. DE ROUSTAN.

Hon. Frederick T. Frelinghuysen,
Washington, Delaware County.

No. 5.

Mr. West to Earl Granville.—(Received January 7, 1883.)

(No. 454.)
My Lord,

Washington, December 23, 1882.

YOUR Lordship will have learnt from my despatch No. 448 of the 22nd instant that a joint Resolution has been passed by the House of Representatives respecting the administration of justice in Tunis. As, however, the Secretary of State had not replied to the note which I addressed to him on the 1st ultimo, communicating the views of Her Majesty's Government respecting the abrogation of the Capitulations, I took occasion to remark to him that I had been made aware of the step which had been taken in consequence of the French Minister's communication, and I have now the honour to inclose to your Lordship, herewith, a copy of a note which he has addressed to me on the subject.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 5.

Mr. Frelinghuysen to Mr. West.

Sir,

Department of State, Washington, December 23, 1882.

ACKNOWLEDGING the receipt of your note of the 1st ultimo, in which you acquaint me with the action of Her Majesty's Government with regard to the proposition of France to extend French judicial Tribunals and procedure to the territory of Tunis from the 1st January next, I have the honour to inform you that upon receiving notice from the French Government in relation to its proposed action in regard to this matter I informed M. Roustan, the Minister of France at this capital, that inasmuch as the Consular jurisdiction of this country in Tunis is expressly prescribed by an Act of Congress, the renunciation of that jurisdictional right is not a matter within the control of the Executive, and that it would therefore be necessary to lay the matter before Congress at its then approaching Session.

When Congress assembled I accordingly called the attention of the appropriate Committees of both Houses to the subject.

On the 19th instant the House of Representatives passed a joint Resolution in relation to the matter which is now pending in the Senate, a copy of which I inclose herewith, for your information, showing the present status of the matter so far as this Government is concerned.

I have, &c.
(Signed) F. T. FRELINGHUYSEN.

No. 6.

Mr. H. Lee, M.P., to Earl Granville.—(Received January 9.)

My Lord,

Sedgley Park, Manchester, January 6, 1883.

I BEG to acknowledge the receipt of a communication, under date January 1, addressed to me from the Foreign Office, respecting the trading station at Cape Juby belonging to the North-west African Company, of which I am Chairman.

Allow me to thank your Lordship for the friendly suggestions contained therein.

I will submit the same to the Board of Directors at the earliest opportunity, and acquaint your Lordship with the views they entertain.

I am, &c.
(Signed) HENRY LEE.

No. 7.

Earl Granville to Consul Dupuis.

(No. 1.)
Sir,

Foreign Office, January 11, 1883.

YOUR despatch No. 22 of the 14th December last has been received, and I am directed by Earl Granville to inform you that the views which you express therein with regard to the probable occupation of Santa Cruz de Mar Pequeña by Spain are approved, and that Her Majesty's Government cannot interfere in any way.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Count Nigra to Earl Granville.—(Received January 17.)

Mon cher Comte,

35, Queen's Gate, S.W., le 16 Janvier, 1883.

JE prends la liberté de m'adresser à l'obligeance de votre Excellence, pour obtenir, dans les limites du possible, les renseignements indiqués dans le *pro-memorid* ci-joint.

En vous remerciant d'avance de ce que vous pourrez me communiquer à ce sujet, je vous prie, &c.

(Signé) NIGRA.

Inclosure in No. 8.

Pro-memorid.

LE 27 Octobre dernier Sir Charles Dilke a déclaré à la Chambre des Communes que le Gouvernement de Sa Majesté la Reine était disposé à consentir à l'abolition de la juridiction Consulaire en Tunisie, en se réservant tous les droits et privilèges accordés à l'Angleterre par les Traités avec la Régence.

Le Gouvernement de Sa Majesté le Roi d'Italie attacherait beaucoup de prix à connaître la nature et les limites de ces droits. Il désirerait notamment savoir si les prérogatives et privilèges ci-dessous énumérés seraient, en tout ou en partie, assurés à l'Angleterre, en force des Traités ou des consuetudes, après l'abolition de la juridiction Consulaire en Tunisie.

Dans l'ordre Diplomatique :—

(a.) Prerogatives des Consuls :

1. Exemption de la juridiction civile et criminelle.
2. Inviolabilité de la demeure du Consul, ce qui entraîne après soi le droit d'asile (exercé, l'année dernière, par le Consul et Agent Britannique en faveur du Général Tunisien Taher Schausch).
3. Immunité des droits de douane.
4. Droit d'appeler qui que ce soit aux fonctions d'Agent Consulaire dans une localité quelconque de la Tunisie.
5. Droit de nommer des drogmans et des janissaires.

Dans l'ordre Administratif :—

(b.) Prerogatives des Consuls :

1. Droit de statuer en matière de simple police, droit d'expulsion, et d'admonestation officielle.
2. Droit de recevoir sous leur protection des indigènes du pays.
3. Droit de demander l'intervention de la force armée pour l'arrestation d'un déserteur de la marine de guerre ou de la marine marchande, ou pour l'arrestation et la transportation de tout autre national.
4. Droit d'intervention directe, en tout ce qui concerne la navigation, et de demander l'assistance des autorités locales en cas de naufrage; cette assistance restant obligatoire.
5. Droit d'intervention exclusive dans l'administration des successions des nationaux décédés.
6. Pouvoir de procéder à une exécution judiciaire pour le paiement des impôts de la Municipalité ou des taxes du Gouvernement qui ont été préalablement acceptés par l'autorité Consulaire.
7. Droit de prendre connaissance des faillites des nationaux et d'exercer en général ce qu'on appelle "les droits de la juridiction volontaire."

8. Droit d'exercer les fonctions de membre du Conseil Sanitaire.
 9. Droit d'établir des bureaux de poste.
 10. Droit d'être appelés comme arbitres dans les différends.
- Dans l'ordre judiciaire :—

(c.) Privilèges des étrangers en Tunisie.

1. L'enfant d'une étrangère avec un Musulman, après la séparation des époux, est considéré comme étranger.
 2. Toute peine corporelle décernée à un négociant, à une femme, ou à un mineur est commuée en une peine d'amende.
- 35, Queen's Gate, S.W., le 15 Janvier, 1883.

No. 9.

Consul Dupuis to Earl Granville.—(Received January 20.)

(No. 6.)

My Lord,

Teneriffe, January 9, 1883.

WITH reference to the despatch I did myself the honour to address to your Lordship on the 21st November last (No. 20) respecting the Spanish naval expedition for the occupation of Santa Cruz de Mar Pequeña, Mr. Vice-Consul Edwards informed me yesterday that he had been told by the officers of the "Likera" that arrangements having been come to with the Sultan of Morocco the Spanish Consul at Mogador and a Moorish Delegate had been named Commissioners, and that the expedition would shortly leave for the African coast in order to define the limits of Santa Cruz de Mar Pequeña, and that subsequently the Captain-General of these islands, accompanied by a military force, would proceed there and take formal possession of the place.

I have, &c.

(Signed) J. HUTTON DUPUIS.

No. 10.

Mr. H. Lee, M.P., to Earl Granville.—(Received January 20.)

*The North West African Company (Limited),
48, Gresham Street, January 20, 1883.*

My Lord,

REFERRING to my communication of the 6th January, I have now the honour to submit to your Lordship some considerations relating to the position of the North West African Company, which the Board of Directors desire to bring to the notice of your Lordship.

I am also to request the favour of an interview at your earliest convenience, in order that a deputation from the Board may confer with you on the matter in question.

I am, &c.

(Signed) HENRY LEE,
Chairman of the Company.

No. 11.

Mr. H. Lee, M.P., to Earl Granville.—(Received January 20.)

48, Gresham Street, E.C., January 20, 1883.

My Lord,

THE Board of Directors of the North West African Company, in acknowledging receipt of the communication made by the Foreign Office to the Chairman, Henry Lee, Esq., M.P., craves your Lordship's reference to undernoted statements of fact, with respect to the Company's position at Cape Juby.

We have been established at Cape Juby for some years. We went there with the full knowledge of Her Majesty's late Government, who assured us that we should not be interfered with, and who obtained for us an acknowledgment from the Sultan of Morocco to the effect that he did not lay claim to the territory upon which we had established ourselves.

About the end of the year 1879, having satisfied ourselves that the enterprise was favourably regarded by the then Government, we formed ourselves into a public Company, and invested a considerable amount of money in the undertaking.

The object of the Company is that of "trade by barter" with the natives, we exchanging goods of English manufacture for the products of the country.

In order to accomplish our end, we found it necessary to build a place of strength on a reef about half a-mile from the shore. This building was erected to store our goods in and to protect our servants, who up to that time lived in a brig moored in what we term our port. On its completion we then built a strong warehouse on the mainland, where the trading is now carried on, and where some of our staff now reside.

When we first went to Cape Juby the place was inhabited only by a few Arab fishermen, in all about twenty persons. There is now a town of tents and huts, with a population of 300, amounting at times to as many as 1,000 persons. A Treaty was made with the acknowledged Chief, Sheikh Mohammed Bairook, and has been faithfully carried out by him and by the Sheikhs of the seven tribes inhabiting the surrounding country. These Sheikhs were formerly always at war with one another; now they all live quietly together at Cape Juby, peace having been brought about by the Company's servants and its Director, Mr. Mackenzie, and a solemn Treaty has been made in which they bind themselves to protect the Company with their lives against attack.

The Company has become a necessity to the country around, offers of trade being made to it from a district extending 600 miles to the south-east. Its influence is steadily growing, as its servants understand the treatment of Arabs, and conduct their business in accordance with the traditions of the country.

The fact of the Company being an English one inspires the natives with confidence. They feel certain that their religion and their customs will not be jeopardized, and they express themselves as most anxious for our friendship and our success.

If Her Majesty's Government will grant the Company protection, either by Royal Charter or otherwise, or allow it to continue unmolested, the Board is convinced that it can make a great port of Cape Juby, believing it to be the key to the western Soudan. The existing harbour is 4,000 feet in length, and 1,500 feet in width, and at a small cost it can be greatly improved, and rendered suitable for a coaling-station for British steamers. The climate is healthy and well suited to the English constitution. Any quantity of good water is found at a depth of 8 feet. Were the Company to leave the place, it would at once be seized by Spaniards or French, as the Moors of Morocco are unable to hold it.

A Spanish force being about to take possession of Santa Cruz del Mar Pequeña, situated about 35 miles to the north of Cape Juby, the Company will be exposed to constant annoyance and danger, unless it be recognized by Her Majesty's Government. Intriguing officials will certainly get embroiled with the tribal authorities, and thus lead to war, which the Emperor of Morocco will be unable to avert. The hatred of the Arabs to the Spanish is intense, and they believe that Spanish occupation is caused only by jealousy of seeing an English settlement living in peace and amity with the natives.

Your Lordship has now the most salient points before you, and the Board of Directors will be glad to give every attention to your advice. If it is desirable to enter into negotiations with the Sultan of Morocco, it is prepared to do so.

By order of the Board of Directors,

(Signed) HENRY LEE, *Chairman*,
ALFRED BROOKES, *Secretary*.

No. 12.

Mr. Reade to Earl Granville.—(Received January 23.)

(No. 2.)

My Lord,

Tunis, January 12, 1883.

I HAVE the honour to acknowledge your Lordship's despatch No. 25 of the 29th ultimo, referring to a conversation with General Menabrea respecting the Financial Commission of Tunis, and inclosing a Memorandum by Sir E. Hertslet on the subject.

Having carefully considered the Memorandum, I feel I cannot but agree with it in every particular.

At the same time, I would venture to submit that the view taken by the Italian Representative is based on reserves made by his Government at the time the maximum rate of duty was raised from 3 to 8 per cent. for the specific purpose of liquidating the Tunisian debt. Such being the case, it appears to me that, if Italy should hereafter succeed in asserting the position to which those reserves may entitle her, England, by the favoured-nation clause of our Treaty, would be in an equal degree entitled to participate in the advantage.

I have, &c.

(Signed) THOS. F. READE.

No. 13.

Mr. de J. Levy to Earl Granville.—(Received January 24.)

My Lord, 59, Fenchurch Street, London, January 23, 1883.
I HAD the honour to receive in due course the letter of Sir Charles Dilke of the 23rd March, 1882, conveying a reply to my letter of the 21st March, and promising a further communication on the subject of the claims, in which I am interested, on the French Government, arising out of the bombardment and occupation of Sfax by French troops.

I am still, however, without any further despatch from your Lordship.
I have now to call your Lordship's attention to the telegram from Tunis printed in yesterday's "Times," stating that the French Government propose to pay the sufferers by the bombardment and pillage two-thirds of the sum allotted to each claimant by the International Commission. The telegram alleges that Her Majesty's Government have accepted generally the redress thus offered, while the Italian Government have declined it.

I venture to ask whether the information contained in this telegram is correct, and I trust I may be permitted to remind your Lordship that the Commission so thoroughly and strictly sifted the evidence adduced in support of the claims that it would be, especially after such a long delay, very unjust to withhold one-third of the amounts as admitted at Sfax.

It will also be within your Lordship's recollection that the inquiry at Sfax came to an abrupt termination, so much so that no steps have been taken respecting the losses caused by the occupation of Gabes.

I should be glad to hear that Her Majesty's Government are in a position to hold out hopes of some redress being obtained for the losses caused at Gabes.

I have, &c.
(Signed) M. DE J. LEVY.

No. 14.

Mr. Reade to Earl Granville.—(Received January 30.)

(No. 6.)
My Lord, Tunis, January 23, 1883.
I AM informed from a reliable source that M. Cambon has stated that his Government hopes soon to settle the Sfax indemnity question on the following basis, that is to say:—two-thirds of the sum allotted to each claimant by the International Commission will be paid in full satisfaction of every claim.

I venture to submit this information for your Lordship's guidance.

I have, &c.
(Signed) THOS. F. READE.

No. 15.

Earl Granville to Sir A. Paget.

(No. 25.)
Sir, Foreign Office, January 31, 1883.
IN transmitting herewith, for your Excellency's information, with reference to previous correspondence, and especially to my despatch No. 317 A of the 29th September last, copies of a correspondence which has passed between Mr. Levy and this Department respecting his claims to compensation for losses arising out of the bombardment of Sfax,* I have to request that you will report to me whether the Italian Government have come to any understanding with that of France on the subject of the amount of compensation to be awarded to Italian subjects on account of the losses sustained by them under similar circumstances.

I am, &c.
(Signed) GRANVILLE.

* Nos. 13 and 16.

No. 13*.

Memorandum as to Mr. Levy's Claim, &c.

MR. LEVY and Messrs. Perry, Bury, and Co. having in the month of March 1882 addressed Her Majesty's Government with reference to their claims in connection with the bombardment of Sfax, they were respectively informed on the 23rd March, in almost identical language, that a further communication would be made to them on the subject. On the 24th March a second letter was addressed to Messrs. Perry, Bury, and Co., but not to Mr. Levy, stating that their claim was "about to be laid before the French Government, with other British claims arising out of the French military operations." This letter—as also the concluding paragraph of that of the 23rd March—seems to have been founded on a Minute by Sir J. Pauncefoot (on Messrs. Perry, Bury, and Co.'s letter of the 18th March).

On the 18th July, 1882, M. de Freycinet proposed to pay two-thirds of the damages awarded by the Sfax Claims Commission; but it having subsequently transpired that the French Government were inclined to yield to the demand made by Italy for payment to Italian claimants of the full amount fixed by the Commission, instructions were sent to Mr. Plunkett (28th September) and to Lord Lyons (30th October) to press for a similar concession where British subjects were concerned.

On the 3rd November, 1882, Lord Lyons reported that he had addressed a note in the above sense to M. Duclerc, but no reply would appear up to the present to have been received from the French Government.

Foreign Office, January 27, 1883.

Mr. Levy, March 21, 1882.
Messrs. Perry, Bury, and Co., March 18, 1882.
To Mr. Levy, March 23, 1882.
To Messrs. Perry, Bury, and Co., March 23, 1882.
Ibid., March 24, 1882.

Viscount Lyons, No. 801, July 25, 1882.
Mr. Plunkett, No. 1015, September 15, 1882.
To Mr. Plunkett, No. 1110, September 28, 1882.
To Viscount Lyons, No. 1227, October 30, 1882.
To Viscount Lyons, No. 1156, November 3, 1882.

Sir J. Pauncefote to Mr. de J. Levy.

Sir,

Foreign Office, January 31, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 23rd instant, in which you inquire whether there is any truth in the reported consent of Her Majesty's Government to the French proposal for awarding compensation for losses arising out of the bombardment and occupation of Sfax, to the extent of two-thirds of the amount awarded by the Sfax Commission.

I am in reply to inform you that your claim has been laid before the French Government with other claims arising out of the military operations in Tunis, but that the offer of two-thirds compensation to which you refer has not been accepted by Her Majesty's Government, who are awaiting a further communication from the French Government upon the subject.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Mr. H. Lee, M.P., to Lord E. Fitzmaurice.—(Received February 2.)

My Lord,

Sedgley Park, Manchester, February 1, 1883.

YOU are doubtless acquainted with the correspondence which has at various times taken place between the Foreign Office and the North West African Company, respecting their trading station at Cape Juby.

Extracts from the Company's letters have from time to time been forwarded to the late Under-Secretary for the information of the Department, and I now beg to inclose an extract from our Agent's letter of the 4th January.

From its contents you will see that it has an important bearing upon the proposals suggested by Sir John Hay in regard to the Emperor of Morocco and the Company now under Lord Granville's consideration, since it would appear that the Spanish Government purpose to appropriate the coast from the station they have recently occupied under Treaty with the Emperor of Morocco as far as the River Oro, which is some distance south of our station. As we have based our undertaking on the statements of the late and present Administration in the Foreign Office that the part of the coast we occupy is not in the territory of the Emperor of Morocco or of any other ruling Power, we trust the Government will afford us protection against what would be the loss of property and the ruin of our enterprise, should the Spanish Government carry out the intention which we fear they purpose doing.

I am, &c.
(Signed) HENRY LEE.

Inclosure in No. 17.

Extract of Letter from the North West African Company (Limited), dated Cape Juby, January 4, 1883.

WE have just heard that the Spanish troops, about 500 strong, are already at Teneriffe to take possession of the territory of Rio Oro and Puerto Cansado, and that they intend to land here. These are, no doubt, very bad news, and let us hope the intended landing here will not take place. However, in such a case, and as we cannot oppose them by force, the only thing we can do here is to write a protest against such aggression when it takes place, and present it to the Commandant of the expedition, and another one to the military and civil Governors of the islands through the British Consul at Teneriffe.

Viscount Lyons to Earl Granville.—(Received February 4.)

(No. 112.)
My Lord,

Paris, February 3, 1883.

I HAVE the honour to transmit to your Lordship herewith copies of a Bill to organize French jurisdiction in Tunis ("portant organisation de la juridiction Française en Tunisie"), which has been brought into the Senate by the French Government.

I have marked in the margin of the "Exposé des Motifs" which precedes the Bill, as well as in that of the Bill itself (at pp. 2, 7, 11, 12, and 14), passages relative to the extension of French jurisdiction to foreigners in Tunis.

It does not appear very clearly from these passages to what extent the French Government considers the consent of foreign Powers to the abolition of the Capitulations as already given, or, at all events, as certain.

I have, &c.
(Signed) LYONS.

Inclosures in No. 18.

No. 18.—SÉNAT.—Session 1883.

Annexe au Procès-verbal de la Séance du 25 Janvier, 1883.

Projet de Loi portant Organisation de la Juridiction Française en Tunisie, présenté, au nom de M. Jules Grévy, Président de la République Française, par M. E. Duclerc, Président du Conseil, Ministre des Affaires Étrangères, par M. P. Devès, Garde des Sceaux, Ministre de la Justice, et par M. P. Tirard, Ministre des Finances.

(Renvoyé à la Commission de l'Organisation des Services en Tunisie.)

Exposé des Motifs.

LE Projet de Loi présenté par le Gouvernement le 8 Mai, relativement à l'organisation de divers services en Tunisie, a été adopté, avec quelques modifications, par la Chambre des Députés. Il a été déposé le 9 Août sur le Bureau du Sénat.

Une grande partie des dispositions contenues dans ce Projet avait pour objet spécial l'établissement, dans la Régence, de juridictions Françaises destinées à remplacer la justice Consulaire, juridictions dont la compétence pouvait être, en outre, progressivement étendue.

Depuis le moment, déjà éloigné, où le Projet a été préparé, la consolidation de l'occupation et la connaissance plus exacte des conditions dans lesquelles les nouveaux Tribunaux doivent exercer leur action, ont amené à reconnaître que certains changements pourraient être apportés aux Articles antérieurement arrêtés. Aussi le Gouvernement avait-il élaboré, dans les derniers mois de l'année 1882, une série de modifications qu'il paraissait utile de faire subir au texte primitif.

Toutefois, à raison des pourparlers en cours au sujet des Capitulations, il pouvait être intéressant que le fonctionnement des nouvelles juridictions fût aussi prochain que possible. Pour atteindre ce but, ne convenait-il pas d'ajourner provisoirement des changements de rédaction qui eussent entraîné un nouvel examen par les pouvoirs législatifs ?

Dans cette pensée, les modifications furent restreintes à ce qui était indispensable pour que la compétence de la nouvelle juridiction pût s'étendre aux résidents étrangers, si le régime des Capitulations venait à disparaître.

Le vote de la Loi par le Sénat s'étant trouvé retardé par la discussion du Budget, et n'ayant pu intervenir dans la dernière Session, il importe aujourd'hui de reprendre, dans son ensemble, l'étude du Projet, et c'est pour donner à cette étude la portée qu'elle comporte que le Gouvernement a jugé que l'ancien Projet devait être retiré, et qu'il y avait lieu d'y substituer une rédaction nouvelle.

Cette rédaction ne diffère, en réalité, de la première, sur aucun point important ; mais elle tient compte des quelques modifications introduites par la Chambre des Députés et des négociations dont le résultat doit être prévu.

1. Le premier point sur lequel portent les modifications concerne la composition même du Tribunal. D'après l'Article 10 du Projet primitif, le Tribunal devait comprendre deux Juges titulaires et deux suppléants. Aux termes de l'Article 16, les suppléants pouvaient être pris parmi les résidents Français, et dispensés, en ce cas, de produire le diplôme de Licencié en Droit et le certificat de stage. Cette dernière disposition avait paru nécessaire par ce motif qu'aucune rétribution n'avait été originellement prévue en faveur des Juges suppléants, et que, dans ces conditions, il était à craindre qu'il fût difficile de recruter ces magistrats parmi des Licenciés en Droit qui eussent quitté la France pour remplir ces fonctions. L'Article 11 était une conséquence de ces dispositions. Dans l'hypothèse où les Juges suppléants seraient, la plupart du temps, choisis parmi des négociants Français établis en Tunisie, il avait paru nécessaire de fixer à deux le nombre des titulaires indispensables pour constituer valablement le Tribunal. La raison qui avait motivé ces dispositions n'existe plus; la Chambre des Députés a adopté, dans le projet de répartition du crédit alloué au Ministère de la Justice, un traitement de 2,400 fr. pour deux des Juges suppléants.

Cette allocation d'un traitement aux Juges suppléants et l'assimilation complète aux magistrats Français auront ce résultat que de jeunes Licenciés en Droit, capables, n'hésiteront plus à se rendre à Tunis. Dans ces conditions, il serait inutile et inopportun de conserver au Tribunal de Tunis une organisation anormale. On doit ainsi revenir aux règles générales, qui assimilent les Juges suppléants aux Juges titulaires, pour les conditions de nominations et pour l'exercice des fonctions. L'Article 2 doit donc disparaître, ainsi que le second paragraphe de l'Article 16.

En outre, le nombre des Justices de Paix ayant été porté à six par la Chambre des Députés, alors que le Projet n'en prévoyait qu'une, les occupations du Tribunal seront plus importantes, le Juge d'Instruction sera plus souvent appelé à se transporter; il est, en conséquence, nécessaire de prévoir immédiatement une composition plus nombreuse, sans attendre, pour recourir à un Décret ultérieur, que cette augmentation soit devenue indispensable.

En résumé, le nombre de trois Juges est substitué à celui de deux; l'Article 11 et le second paragraphe de l'Article 16 ont été supprimés.

2. L'Article 16 du Projet prévoyait les formes de procédure à suivre pour l'instruction et le jugement des affaires criminelles. La difficulté de composer un jury à Tunis et l'impossibilité de renvoyer à une juridiction éloignée la connaissance des affaires qui sont, en France, de la compétence des Assises, ont amené à penser qu'il y avait lieu, au moins à titre transitoire, d'organiser une juridiction spéciale composée de magistrats et d'assesseurs choisis parmi les Notables. Pour le fonctionnement de cette juridiction, il était préférable d'adopter la procédure correctionnelle, qui dispense des formalités nombreuses nécessaires pour le fonctionnement du jury.

L'application pure et simple des règles de la procédure correctionnelle a cet inconvénient que les accusés, jugés en dernier ressort par le Tribunal spécialement composé comme il est dit ci-dessus, se trouveraient privés de la garantie qui résulte pour eux de la procédure de mise en accusation. En outre, la transmission directe des affaires de grand criminel du Parquet du Procureur de Tunis à l'audience du Tribunal Criminel, ne permettra au Procureur-Général d'Alger d'exercer aucun contrôle sur la partie la plus importante du service judiciaire. En conséquence, il a été inséré un paragraphe dans l'Article 6. Ce paragraphe est ainsi conçu: "Le Tribunal, statuant au criminel, sera saisi par un Arrêt de Renvoi rendu par la Chambre d'Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle."

3. Il a paru nécessaire de modifier l'Article 3 sur la compétence des Juges de Paix. D'après le Projet primitivement soumis aux Chambres, tous les Juges de Paix, indistinctement, devaient avoir la compétence étendue. Il peut résulter de cette attribution au Juge de Paix de Tunis, siège du Tribunal, certains conflits. En matière de référés, notamment, le Président du Tribunal et le Juge de Paix se trouveraient investis d'une compétence concurrente. On pourrait ainsi, dans la même affaire, recourir successivement à chacun d'eux. Le même conflit pourrait se présenter pour les informations criminelles attribuées, dans certains cas, aux Juges de Paix par le Décret de 1854. Les inconvénients de cette situation ont été reconnus en Algérie; le Décret du 17 Août, 1874, avait donné à tous les Juges de Paix de Kabylie, même à ceux siégeant à Tizi-Ouzou et Bougie, la compétence étendue; cette juridiction exceptionnelle n'a pas été conservée pour ces derniers sièges qui ne figurent plus parmi les Justices de Paix à compétence étendue énumérées dans le Décret du 6 Avril, 1877.

4. Outre les trois observations qui précèdent et dont l'importance est relativement plus grande, d'autres doivent être faites. C'est ainsi que l'Article 19 prévoyait une

réglementation ultérieure par Décret pour le Tarif des frais. Cependant la mise en application de la Loi ne doit pas être suspendue jusqu'à ce que le Décret ait été rendu. L'absence de Tarif retardera la liquidation des frais de justice. On doit prévoir un régime provisoire qui permettra la mise en vigueur de la Loi immédiatement après son vote. C'est dans ce but qu'un paragraphe additionnel a été ajouté à l'ancien Article 19.

5. L'Article 16 du Projet spécifie que les conditions d'âge et de capacité des magistrats et agents judiciaires composant les Tribunaux de Tunisie seront les mêmes que celles exigées en France. Cette disposition aurait pour résultat de permettre la nomination dans la Régence, de Juges de Paix non licenciés en Droit, ce qui ne peut se faire en Algérie. Il y aura avantage à relever la situation des Juges de Paix Tunisiens et, pour le faire, à édicter pour eux les mêmes conditions de recrutement que celles prévues en Algérie. Cette modification permet de comprendre dans la même rédaction les conditions de nomination des interprètes.

6. Bien que l'Article 9 déclare, dans des termes généraux, applicables en Tunisie, les règles de procédure et d'instruction criminelles déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, il est utile qu'une disposition spéciale fixe le délai des ajournements. Un Article nouveau a été ajouté à cet effet et porte le No. 10.

7. Un Article spécial était utile pour déterminer dans quel journal seraient faites les insertions légales.

8. Un certain nombre d'avocats étrangers, Anglais et Italiens notamment, sont établis à Tunis. Ils demandent à être admis à plaider devant les Tribunaux Français. L'abandon des Capitulations justifie leur prétention. Aux étrangers qui deviendront justiciables de nos Tribunaux, il faut réserver la faculté de recourir à des mandataires qui appartiennent à leur nationalité. Il convient, en outre, de tenir compte d'intérêts respectables. Une disposition additionnelle a été insérée à cet effet à la suite de celle qui met en vigueur en Tunisie l'Arrêté Ministériel du 20 Novembre, 1841.

Cette disposition a trait uniquement à l'organisation du corps des défenseurs. Dans le cas où un barreau Français s'établirait à Tunis, l'organisation en serait, conformément à l'Arrêté du 16 Avril, 1848, rendue applicable dans la Régence, et soumise aux mêmes règles que celles suivies en France; les étrangers ne pourraient en faire partie.

9. Outre les modifications qui viennent d'être indiquées, certains changements de forme peuvent être apportés à la rédaction primitive:

(1.) L'expression de Tribunal "civil," qui semble exclure la compétence criminelle, peut être remplacée par celle de "Tribunal," sans qualificatif;

(2.) A l'Article 3, pour déterminer la compétence étendue des Juges de Paix, une référence pure et simple au Décret de 1854, ne permettra aucune confusion. Une explication plus détaillée peut, au contraire, entraîner quelques difficultés, par cela seul qu'elle ne reproduit pas intégralement les termes de ce Décret;

(3.) La dernière phrase de l'Article 4 a dû être mise en rapport avec la nouvelle rédaction de l'Article 3, en ce qui concerne la compétence des Juges de Paix;

(4.) Le premier paragraphe de l'Article 9 peut être complété de telle sorte que son sens primitif présente plus de clarté, de précision.

10. En dehors des dispositions du Projet lui-même, il est deux points qui appellent une révision.

D'après l'Article 26 du Projet primitif, les crédits alloués aux différents Ministres étaient répartis conformément à un état "C," annexé. Or, cet état "C" contenait, sous la rubrique "Ministère de la Justice" deux chapitres: le premier se montait à 81,667 fr., avec cette simple indication: Personnel de la Justice Française en Tunisie. Il en résultait que les traitements des magistrats, ainsi prévus par une allocation totale, n'étaient pas fixés par la Loi. Ils étaient indiqués, il est vrai, dans l'Exposé des Motifs présenté par le Gouvernement; mais cette indication, ainsi faite, n'aurait pas eu de valeur législative. Il est préférable d'adopter, pour la Tunisie, la règle suivie pour la France et d'insérer le montant des traitements dans le Tableau annexe dont les mentions font corps avec le texte même de la Loi.

Le second chapitre de l'état "C" portait: Matériel de la Justice Française en Tunisie. Or, d'après l'Exposé des Motifs, la somme prévue à ce chapitre avait pour objet de pourvoir aux loyers de locaux affectés aux Tribunaux et aux menues dépenses de ces juridictions. Le choix et l'entretien des locaux nécessaires pour l'installation des Tribunaux ne rentrent pas dans les attributions ordinaires du Département de la Justice.

Il en est de même des menues dépenses qui sont acquittées, suivant les cas, soit

par le Budget du Ministère de l'Intérieur, soit par les Départements; dans aucun cas elles ne sont à la charge du Ministère de la Justice. Une règle différente doit-elle prévaloir en Tunisie? Il semble qu'il y ait avantage à ce que le Département des Affaires Étrangères conserve le service des bâtiments judiciaires et des menues dépenses; il pourra seul prendre, avec le Gouvernement du Bey, des arrangements spéciaux qui permettront de diminuer les crédits qui seront demandés aux Chambres pour cet objet.

La partie de l'état "C" qui concernait le service de la Justice a été modifiée conformément à ces observations.

Telles sont les considérations qui, s'ajoutant à celles qui ont été développées déjà dans les exposés précédents, justifient les dispositions nouvelles soumises à l'examen du Sénat.

Le Président de la République Française,

Décède :

Article 1^{er}. Sont retirés les Titres I et III du Projet de Loi relatif à l'organisation de différents services en Tunisie, soumis au Sénat le 9 Août et modifié par le Projet rectificatif du 14 Décembre, 1882.

Art. 2. Le Projet de Loi dont la teneur suit sera présenté au Sénat par les Ministres des Affaires Étrangères, de la Justice, et des Finances, chargés d'en exposer les motifs et d'en soutenir la discussion.

Projet de Loi.

Article 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis; les Justices de Paix ont leur siège à Tunis, à La Goulette, à Bizerte, à Sousse, à Sfax et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret, rendu, le Conseil d'État entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

Leur compétence s'étendra à toutes autres personnes dans les cas que détermineront les Décrets rendus par Son Altesse le Bey avec l'assentiment du Gouvernement Français.

Art. 3. Le Juge de Paix de Tunis a, en matière civile et pénale, la compétence ordinaire, telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Les autres Juges de Paix exercent, en matière civile et pénale, la compétence dite étendue, telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Art. 4. Le Tribunal de Première Instance statue, en dernier ressort, jusqu'à concurrence d'une valeur de 3,000 fr. En premier ressort sa compétence est illimitée.

En matière pénale, il est compétent pour tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

Art. 5. Si une infraction qualifiée crime est commise par une personne ressortissant à la justice Française, le Tribunal s'adjoint six assesseurs tirés au sort parmi les noms portés sur la liste qui est arrêtée, chaque année, à l'avance, et dressée dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Art. 6. Le Tribunal statuant au criminel sera saisi par un Arrêt de Renvoi rendu par la Chambre d'Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle.

Le Tribunal et ses assesseurs délibèrent en commun et rendent leur décision dans la même forme que les Tribunaux de Police Correctionnelle. La décision est rendue en dernier ressort.

Art. 7. Le Tribunal, assisté d'assesseurs, tient ses assises tous les trois mois, aux dates fixées, trois mois d'avance, par Arrêté Ministériel.

Art. 8. Les appels des Jugements du Tribunal de Tunis sont portés devant la Cour d'Alger de laquelle dépendent les Tribunaux Français de la Régence.

Art. 9. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 10. Si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :

Pour ceux qui demeurent en Algérie, en France, en Espagne, en Italie, d'un mois.

Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée, et celui de la Mer Noire, de deux mois.

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Conformément à ces dispositions, sera réglé le délai supplémentaire à raison de la distance dans les cas déterminés par l'Article 37 de l'Ordonnance du 16 Avril, 1843.

Art. 11. Lorsqu'il y aura lieu à insertions légales, ces insertions seront faites dans le journal officiel du Gouvernement Tunisien.

Art. 12. Les dispositions de l'Arrêté Ministériel du 20 Novembre, 1841, contenant règlement de la profession de défenseurs en Algérie, sont applicables devant les juridictions Tunisiennes.

Cependant les personnes, à quelque nationalité qu'elles appartiennent, qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie, seront admises, dans le délai d'un mois, à partir de l'établissement du Tribunal de Première Instance à Tunis, à faire une demande à l'effet de représenter les parties devant les Tribunaux Français. Ces demandes seront examinées, dans le mois suivant, par le Tribunal de Première Instance qui donnera son avis, à huis clos, le Procureur de la République entendu. L'avis du Tribunal sera transmis au Ministre des Affaires Étrangères. Sur le rapport du Garde des Sceaux, les avocats en exercice ainsi présentés pourront être compris au nombre des défenseurs.

Art. 13. Le Tribunal Français à Tunis comprend : un Président, trois Juges titulaires, et deux Juges suppléants.

Le nombre des Juges et substituts du Tribunal pourra, en cas de besoin, être augmenté par un Décret rendu en la forme de Règlement d'Administration Publique.

Art. 14. Il y a près du Tribunal de Tunis un Procureur de la République et un substitut.

L'un des Juges, désigné par le Ministre de la Justice, remplit des fonctions de Juge d'Instruction.

Art. 15. Un Officier de Police judiciaire est chargé des fonctions de Ministère Public auprès de chaque Justice de Paix.

Art. 16. Au Tribunal de Tunis et aux Tribunaux de Paix sont attachés des greffiers et des interprètes.

Art. 17. Les Décrets portant nomination et révocation des magistrats, des membres du Ministère Public, des officiers de police judiciaire, des greffiers et des interprètes sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

Art. 18. Les conditions d'âge et de capacité pour la nomination des magistrats, membres du Ministère Public, officiers de police judiciaire, greffiers, et interprètes, sont celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Art. 19. Les magistrats composant les Tribunaux établis en Tunisie, les greffiers, commis greffiers, et interprètes attachés à ces Tribunaux, sont soumis aux Lois et Règlements qui régissent les juridictions Algériennes.

Art. 20. Des huissiers sont nommés par le Garde des Sceaux, conformément aux règles en vigueur, pour le ressort d'Alger. Ces officiers exercent leurs fonctions suivant la législation en vigueur dans ce ressort.

Art. 21. Le tarif des frais de justice en matière civile et criminelle sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce tarif les tarifs en vigueur en Algérie sont applicables.

Art. 22. Sont abrogées toutes les dispositions concernant la juridiction Consulaire

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et applicables dans la Régence de Tunis, en tant qu'elles sont contraires aux Articles qui précèdent.

Fait à Paris, le 25 Janvier, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Président du Conseil, Ministre des Affaires Étrangères,
(Signé) E. DUCLERC.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) PAUL DEVÈS.

Le Ministre des Finances,
(Signé) P. TIRARD.

Etat des Frais occasionnés par l'Installation des Tribunaux Français dans la Régence.

1. MINISTÈRE DE LA JUSTICE.

Personnel de la Justice Française en Tunisie.

Tribunal de Tunis.						Fr.	c.
1 Président	..	..	..	..	..	12,000	00
1 Juge d'Instruction	..	..	..	..	..	8,800	00
2 Juges	..	..	..	..	..	16,000	00
2 Juges Suppléants	..	..	..	..	..	4,800	00
1 Procureur de la République	..	..	..	..	..	12,000	00
1 Substitut	..	..	..	..	..	8,000	00
1 Greffier	..	..	..	..	..	4,000	00
1 Commis Greffier	..	..	..	..	..	3,000	00
1 Interprète	..	..	..	..	..	3,400	00
Justices de Paix.						Fr.	c.
6 Justices de Paix	..	..	..	..	..	30,000	00
6 Greffiers	..	..	..	..	..	21,000	00
6 Interprètes	..	..	..	..	..	18,000	00
6 Officiers de Police Judiciaire	..	..	..	..	..	21,000	00
						90,000	00

2. MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Matériel.

Location d'un immeuble pour les séances du Tribunal de Première Instance et celles de la Justice de Paix à Tunis	25,000	00
Ameublement de ces deux Tribunaux	17,064	85
Aménagement	4,950	00
Menues dépenses du Tribunal	2,000	00
Location d'immeubles et achat de mobilier pour les cinq Justices de Paix de la Goulette, Bizerte, Sousse, Sfax, et le Kef (6,000 fr. par Justice de Paix)	30,000	00
Menues dépenses des six Justices de Paix (1,000 fr. par Tribunal)	6,000	00
	85,014	85
Total général	247,014	85

No. 19.

Sir A. Paget to Earl Granville.—(Received February 6, 3.25 P.M.)

(No. 4.)
(Telegraphic.)

Rome, February 6, 1883, noon.

WITH reference to your despatch No. 25 of the 31st ultimo, the Italian Government has come to no arrangement with the French Government as to compensation for losses by bombardment of Sfax.

Two-thirds have been twice offered by French Government, but declined by that of Italy.

At present nothing is being done with reference to this subject, though it was included

in the matters connected with Tunis on which the Marquis of Menabrea was instructed to endeavour to come to an agreement with French Government.

No. 20.

Sir A. Paget to Earl Granville.—(Received by telegraph, February 6.)

(No. 51. Ext. 4.)

My Lord,

Rome, February 6, 1883.

WITH reference to your Lordship's despatch No. 25 of the 31st ultimo, I have the honour to report that M. Mancini has informed me, in reply to my inquiry, that the Italian Government has not as yet come to any arrangement with that of France as to the amount to be paid in compensation for the losses sustained by Italian subjects by the bombardment of Sfax.

His Excellency referred to what had already passed with the French Government on this subject; to the offer made by M. Gambetta, as reported in my despatch No. 1 of the 4th January, 1882, of a sum of money as a gratuity to the Italian Government in settlement of their claims, which had been rejected, and stated that since the payment of two-thirds of the amount fixed by the International Commission had been twice proposed by the French Government and refused—the first time by M. Gambetta, the second by M. Duclerc. On the last occasion it had been intimated, his Excellency said, that the offer of two-thirds had been accepted by Her Majesty's Government and other Governments interested; but he had ascertained that this was not correct, and he had therefore declined the offer.

His Excellency added that at present nothing was being done in regard to this question; but it was amongst those connected with Tunis on which General Menabrea, on going to Paris, had been instructed to endeavour to come to an agreement with the French Government.

I have, &c.
(Signed) A. PAGET.

No. 21.

Earl Granville to Mr. H. Lee, M.P.

My dear Lee,

Foreign Office, February 7, 1883.

WITH reference to your letter of the 20th January, written on behalf of the North West African Company, and requesting me to receive a deputation from the Board of Directors, I think it would be better if I could see you alone—at all events in the first instance.

Could you conveniently arrange to call at the Foreign Office on Friday the 16th, at 3 o'clock?

Yours truly,
(Signed) GRANVILLE.

No. 22.

Sir J. Drummond Hay to Earl Granville.—(Received February 8.)

(No. 7. Confidential.)

My Lord,

Tangier, January 31, 1883.

WITH reference to my despatch No. 142 of the 20th November of last year, reporting the aggression committed by the rebel Arab Chiefs of Oolad Cidi Sheikh on Moorish tribes, I have the honour to inform your Lordship that yesterday M. Ordega, in the course of conversation, informed me that considerable apprehension was entertained by the authorities in Algeria that these Chiefs, who have been making preparations on a large scale and had formed alliances with the powerful Moorish tribes of Beni Guil and Doo Menea, were meditating to bring about a revolution in Morocco and to put forward a pretender to the throne; that the Sultan appeared to have lost all power of control over the tribes in the south-eastern districts of his dominions, and that if a civil war commenced, it might lead to serious troubles and conflicts on their own territory; that a large

French force of about 40,000 men had therefore been placed near the frontier, with orders to prevent any Maroquines entering Algeria, but that this state of affairs was intolerable.

He imparted to me confidentially that he had warned the Sultan through his Minister, Cid Mohammed Bargash, that, unless prompt and decided steps were taken, Mulai Hassan is in danger of losing his throne.

Rumours of a similar character have reached me from Morocco. The peasantry in the southern provinces, who have been reduced to the greatest misery by the dearths that have prevailed for the last five years, and by the extortions practised by the Sultan's Ministers, Governors, and Sheikhs, have long been ripe for revolt, but the fanatical veneration entertained for Mulai Hassan, as "God's Caliph," has hitherto sufficed to maintain his authority, and unless another direct Shereefian descendant of the Prophet was put forward as a pretender, I do not expect that he will lose his throne.

The state of affairs in Morocco is very grave. I have repeatedly warned the Members of this Government in an officious and friendly manner that the Sultan, his Ministers, and Governors were becoming dangerously unpopular, but it is no use giving advice to officials, whose sole emoluments proceed from extortion, speculation, and corruption.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 23.

Earl Granville to Viscount Lyons.

(No. 151.)

My Lord,

Foreign Office, February 8, 1883.

WITH reference to my despatch No. 134 of the 3rd instant, I transmit to your Excellency herewith, for your information, a copy of a telegram which I have received from Her Majesty's Ambassador at Rome, stating that the Italian Government has come to no arrangement with the French Government as to compensation for losses incurred through the bombardment of Sfax.*

I am, &c.
(Signed) GRANVILLE.

No. 24.

Consul Dupuis to Earl Granville.—(Received February 9.)

(No. 8.)

My Lord,

Teneriffe, January 26, 1883.

THE Spanish newspaper, the "Democracia" having a few days since published an article which, while referring to the projected occupation of Santa Cruz de Mar Pequeña, by the Spanish Government, also contains odious, and, I believe, untruthful reflections as regards the policy of England with respect to Cape Juby.

I have made a translation of the article, which I forward to your Lordship herewith inclosed for what it may be worth.

I will only add that notwithstanding this pretended fear of England, it is my opinion, and the opinion of others, Spanish as well as Englishmen here, though they dare not openly say so, that the inhabitants of these islands would hail with joy and delight, and be glad to come under English rule and escape from the grinding and spoliating policy of Spain which keeps the people in misery and want.

Apart from these considerations, and in my humble opinion, the Canary Islands lying, as they do, on the great highway to our South African possessions, and the Americas, would be a valuable acquisition to England as a coaling depôt and port of call for vessels repairing, refitting, watering, and provisioning, whereas in the hands of Spain they are next to useless.

With, &c.
(Signed) J. HUTTON DUPUIS.

* No. 19.

Inclosure in No. 24.

Extract from the "Democracia."

(Translation.)

THE CANARY ISLANDS IN DANGER.—Profoundly affected by the news which for some days past has persistently circulated as to the intentions of our Government to occupy Santa Cruz de Mar Pequeña, near Cape Ger, under pretext that it is necessary to choose a place the Sultan can guarantee to us, and whose soil may offer suitable conditions for the establishment of an agricultural colony, we break silence, which patriotic duty has hitherto imposed upon us, believing the hour to have come when the opinion of the Canary Archipelago should be energetically pronounced in favour of its interests, and claim from our Government, in compliance with Article VIII of the Treaty of Vadras, not to endanger the existence of the Canary Islands.

This is not the moment to waste precious time in discussing the whereabouts the principal establishment of Santa Cruz de Mar Pequeña was situated, only those persons ignore it whose interests it is to do so. Records, the information left us by Herrera, traditions preserved by the frontier Moors and our coast people, the historical description of the port by our forefathers, which cannot be applied to any other part of the western coast of North Africa, the existence of the fortress of Herrera, and the remains of houses proved by the Committee sent by the (Economical) Society of Santa Cruz, and by various residents of Arrecife; the customs, and even the resemblance which exists, under a pagan form between the sedentary Moors of that region and the inhabitants of Fuerteventura and Lanzarote whom it is well known were many times made prisoners and ransomed again, the difficulty of approaching the coast at all seasons in sailing-vessels, some 40 miles north and as many south of Puerto Cansado's Mar Pequeña, the only port offering shelter from all winds in all seasons, and the only one deserving the name of Mar Pequeña, an etymology not casual, but well justified, all these preclude us from arguing its situation, because it would be equivalent to doubting history, and argue absolute ignorance of the practical talents of Herrera, who did not hesitate in choosing on the frontier coast and at the gates of the Canary Islands the only port that offered safety, because it was approachable at all times, and was situated so as to make it a centre of action to avoid the piracies of the Moors, to preserve and defend our fisheries, to occupy the roads traversed by the caravans laden with products of the Draah and the oasis of Sahara, and perhaps that it might one day serve as a point of departure for the conquest of the rich provinces of Sus.

We repeat that we do not wish to discuss that which is not discussive, but we do wish to point out the advantages or disadvantages of the position of Mar Pequeña as regards Spain in a latitude that takes from the Canaries, without benefit to the Peninsula (Spain), the possibility of a coasting business with the African coast, the most adequate way to establish with the continent a community of interests.

What importance can it be to Spain to find Mar Pequeña more or less near to Cape Ger? None, we repeat, from a mercantile point of view, because apart, that at that distance an active commerce is impracticable, it will be necessary to compete with Mogador to the north (or other port the Sultan may open more to the south), and with the establishment the English already possess at Cape Juby to the south, without taking into account those they purpose establishing, as it is said, publicly in Puerto Cansado and other points more north. So that the commerce we might have with the regions west of the Atlas would be delusive, as well as that which might exist with Tarudant, Semuguen, Djezula, Vad-Nun, and other rich districts of Sus.

Would it have any strategical importance from a point of view as regards the future?

We are not competent to venture an opinion, but common sense tells us that the requirements of a campaign would always recommend manœuvring at a point near the Peninsula or the Canary Islands.

Is it requisite to think of establishing an agricultural colony?

Impossible: the disorganization of the Empire is so patent, and the authority of the Sultan so problematical, that, after many centuries, we could not reckon on personal safety in our ancient possessions of Morocco.

Well, then, if the situation of Santa Cruz de Mar Pequeña, in latitude so distant from the Peninsula and the Canaries, does not offer any advantage, why select that site?

This is the mystery that confuses everybody, because no one is capable of suspecting that our Government only seeks a mere formula to satisfy the national clamour, carrying out an occupation useless and ruinous to our interests, which, at the same time, would afford a great triumph to English diplomacy, always crafty, and against a bad law ("mala ley").

But the question is no longer of the advantages that may offer the principal

establishment of Santa Cruz de Mar Pequeña in a latitude more north of our islands, but of the very serious disadvantages this measure brings with it.

From the moment that Spain officially limits her position of Mar Pequeña, placing it more to the north, as it is now affirmed, she resigns, *ipso facto*, not only the right she has over the frontier coast of the African continent that extends the length of our fisheries, but also a portion of these, because England will at once call her own all the coast comprised between Cape Juby and Ifni with the excuse of protecting her subjects who have simulated the purchase [of Spanish territory] from Bem-Biruk, the rebel brother of Ibij, Chief of the tribes inhabiting Buida [Cape Juby]. Has Spain and our Government meditated on the consequences of all this? Have the inhabitants of the Canary Islands reflected on it? England does not only look to the acquisition of territory, or for points of exportation for her industries; England has her eyes fixed on something more important, on our fisheries, the richest, perhaps in all the world.

It is necessary not to forget the great spawning and breeding grounds which begin at Agadir, that they increase in importance as we approach Cape Juby and Rio d'Oro, since these points are, besides the passage of a constant emigration of fishes, formed in other latitudes, perhaps, following the waters of the gulf stream, a circumstance which makes our fisheries inexhaustible. This is what England wants principally, and this is what we shall lose the moment we may consider her mistress of some point of the frontier coast between Agadir and Rio d'Oro, which has belonged to us from the year 1840.

Every nation has recognized this, respecting, as Spanish property, the fisheries of the frontier coast of Africa from the time of Don Diego de Herrera, who raised a fort at Santa Cruz de Mar Pequeña (known to this day to the fishermen by the name of Puerto Cansado, and to the Moors by that of Assaka) and established others at Agadir, Ifni, and other places to the north of Assaka, as also to the south as far as Rio d'Oro, as can be proved by remains of fortifications, by records and traditions preserved by those Moors and our fishermen.

So true is this the case, that M. Berthelot, formerly French Consul in these islands, who recommended to his Government to bear out what in our days the English Government has done through Mackenzie, his Government opposed it as being disloyal, and because they looked upon it as an usurpation of Spanish rights, as every nation thinks it, with the exception of that one which insulted us, and keeps alive the insult on the Rock of Gibraltar. There is in this question a capital fact, of which undoubtedly our Government is cognizant that has passed unperceived by some writers.

Messrs. Llana, Rodrigañez, Fernandez Duro, Alcalá Galiano, Alvarez Perez, Dominguez Alfonso, and others of the Peninsula and Señor Manrique, have all expressed different opinions respecting the real position of Santa Cruz de Mar Pequeña, and they are all in the right.

Santa Cruz de Mar Pequeña was not only a fortified port, and the residence of Herrera or his representative on the frontier border, but, like the capital, it was the centre of action of all the stations he founded, fortified, and disseminated all over the coast, from a point imperfectly limited to the south of Cape Ger [since from this cape northward was considered Portuguese property] to another point also badly limited to the south of Rio d'Oro.

In possessing himself of and fortifying this extended line of coast, Herrera did it, without doubt, not only obeying a spirit of conquest of those times, but chiefly for the fishery and the defence of those fisheries.

Let it be understood, then, that our ancient Santa Cruz de Mar Pequeña was not reduced to "Puerto Cansado" or "Assaka" (and we declare with pleasure that this is also the opinion of a very important personage in our midst), where the supreme authority of all the coasts embraced by our fisheries resided, but that this port gave its name to the fisheries, and to all our possessions of this part of the coast of Africa.

This is the reason why, at many of the points of debarkation along that coast, are to be found remains of strongholds and Spanish fortresses, which testify to our ancient possession, known to the Moors by the generic name of Burg-el-Rumi, and this is the reason of the difference of opinion of those who have written on the subject, perchance through ignorance of the extensive signification the name of Santa Cruz de Mar Pequeña possessed.

It is accordingly necessary that we should now address ourselves as one sole person to claim our rights and defend our property, because if by an act of error our Government does not occupy what was and is Spanish territory on our frontier coast of Africa, England would interpret it as if we renounced it in her favour, or, at best, that we recognized the right of property her subject Mackenzie has on our territory and in our seas.

From the moment this happens the fisheries are lost and the Canary Islands in danger.

If the fishing industry of England is established in our waters, with some hundreds or thousands of vessels (which are to be had for every one), these islands will begin by becoming English factories, and end in being absorbed.

For this we now raise the cry of alarm, because it is no longer a question of rights to the coast, but to defend our honour.

To the zeal of our Government, of our authorities, and of our Representatives, are committed in these times the honour and future of the Canary Islands.

(Signed) JUBEAL.

No. 25.

Mr. Reade to Earl Granville.—(Received February 10.)

(Ext. 1.)

My Lord,

Tunis, February 9, 1883.

A BEYLICAL Decree, which is to come into force on the 1st of next month, prohibits the importation, from any other country than Algeria, of every kind of fruit or vegetable except potatoes. Its object is alleged to that of protecting the Tunisian vineyards against phylloxera. The measure being apparently opposed to Article VII of the Treaty of 1875, as well as calculated to seriously affect Maltese trade, I venture to submit the circumstances to your Lordship's consideration.

I may add that the Italian Representative has telegraphed to his Government for instructions.

I have, &c.
(Signed) THOS. F. READE.

No. 26.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

Foreign Office, February 13, 1883.

IN your Excellency's note of the 16th instant you did me the honour to forward a Memorandum relating to the proposed abolition of Consular jurisdiction in Tunis, in which the desire of your Government is expressed to be informed of the views of Her Majesty's Government as to how far such a measure would involve the abandonment of certain rights and privileges therein specified.

I have the honour to state, in reply, that the proposal which Her Majesty's Government have expressed themselves willing to entertain is at present limited to the abandonment of the exercise of civil and criminal jurisdiction by British Consuls in Tunis over British subjects, and is conditional on the establishment of proper French Tribunals. The question of abandoning any other extra-territorial rights and privileges enjoyed by Great Britain in the Regency, by virtue of the Capitulations and of the Treaties concluded between Her Majesty's Government and the Bey, has not yet arisen.

It may be that some of those privileges may be incompatible with the new order of things introduced in the Regency by the establishment of French Tribunals and the relinquishment of extra-territorial jurisdiction by foreign Powers, and in such case Her Majesty's Government will be prepared to consider to what extent they can properly waive them. It would seem premature, however, to enter upon a discussion of that question, and I regret, therefore, M. l'Ambassadeur, that I am not in a position at present to respond to the wishes of your Government, as expressed in their Memorandum.

I have, &c.
(Signed) GRANVILLE.

No. 27.

Mr. Reade to Earl Granville.—(Received February 14.)

(No. 7.)

My Lord,

Tunis, February 10, 1883.

I HAVE the honour to report that a Beylical Decree has been published naming M. Maurice Bombard, a Secretary of Embassy attached to the French Residency here

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to the office of Secretary-General to the Tunisian Government. The appointment is one of great importance, as it places every Department of this Government under the immediate control of the above officer.

I have, &c.
(Signed) THOS. F. READE.

No. 28.

Earl Granville to Consul Dupuis.

(Telegraphic.)

Foreign Office, February 17, 1883, 4.50 P.M.

IF the possible Spanish Expedition mentioned in your No. 6 of the 9th January actually starts, keep me informed on subject.

No. 29.

Sir J. H. Drummond Hay to Earl Granville.—(Received February 19.)

(No. 11. Confidential.)

My Lord,

Tangier, February 9, 1883.

WITH reference to your Lordship's despatch No. 5 of the 30th ultimo, transmitting copy of a despatch from Her Majesty's Consul at Teneriffe, reporting that he had been informed that Commissioners were about to be sent by the Spanish Government and the Sultan to define the limits of Santa Cruz de Mar Pequeña, and that when this has been effected the Captain-General of Teneriffe, accompanied by a military force, would proceed to take formal possession of the place, I have the honour to inform your Lordship that, in the course of conversation, I inquired of M. Diosdado whether the accounts I had received were correct. He replied that the Sultan had agreed to send a Commissioner, in company with a Commissioner appointed by the Spanish Government, to fix the limits of the site on the coast for the fishery, but he did not believe that any orders had yet been given to send a force to take possession, as the Government at Madrid would desire in the first place to learn the opinion of their Commissioner regarding the practicability and utility of such an establishment.

M. Diosdado added that his opinion had always been that no benefit would arise to Spanish interests from such an establishment, but that, on the contrary, it would entail a heavy expenditure, and further that, as the Sultan's power of control over the inhabitants of those districts was very slender, acts of hostility against the Spanish garrison were to be expected, which would become a constant source of vexatious questions with this Government.

M. Diosdado went on to say that he believed the Spanish Government from these considerations would have abandoned all idea of requiring the execution of the Article of the Treaty, which ceded Santa Cruz la Pequeña, had it not been for the establishment of the English North African Company at Cape Juby and the current reports that the French were also seeking to open a port for trade on that coast. Spanish journals, he said, made much of these projects, and the Government at Madrid, in order to satisfy public opinion, had found it necessary to demand from the Sultan the cession of the port.

M. Diosdado requested me to consider as strictly confidential the language he had held to me upon this subject.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 30.

Sir R. Morier to Earl Granville.—(Received February 19.)

(No. 24.)

My Lord,

Madrid, February 15, 1883.

I HAVE the honour to transmit to your Lordship, herewith, a despatch which I have received under flying seal from Her Majesty's Minister in Morocco on the subject of the proposed Spanish occupation of Santa Cruz de Mar Pequeña.*

I have, &c.
(Signed) R. B. D. MORIER.

* No. 19.

No. 31.

Mr. H. Lee, M.P., to Earl Granville.—(Received February 23.)

My Lord,

House of Commons, February 22, 1883.

I HAVE the honour to inclose, for the information of your Lordship, two newspaper cuttings concerning the North-West African Company.

One is from the "Standard" of Tuesday last (20th February). The other from the "Sunday Times."

The writer of the latter article does not appear to be well informed respecting the trading operations of the Company, since many of his statements are altogether incorrect.

It is important, however, as bearing upon the claims of Spain, which after being allowed to remain dormant for twenty-two years are now revived in a form and manner to interfere with, if not to crush, the peaceful enterprise in which the Company is engaged, and subject its promoters to great loss.

So far no letters have been received from the Company's agents confirming any hostile acts on the part of Spain, but I trust your Lordship will render us the protection which, as British subjects lawfully engaged in trade, we may fairly claim.

We did not plant ourselves forcibly on the soil, but made a Treaty with the only authority in the district, Sheikh Mahommed Bairook, and a copy of it was duly forwarded to the Foreign Office.

The writer, when at Cape Juby, about four months ago, received a hearty welcome from the Sheikh and his people with every expression of good-will, and he expressed a strong desire for increased intercourse. Indeed the buildings were erected, in fact by the labour of the people dwelling on the spot.

The place as an important station is beyond question, whether for the purposes of coaling or as a means of communicating with the interior for commercial ends.

It is no doubt this circumstance that has excited the jealousy of the Spanish authorities.

Trusting your Lordship will use your good offices in our behalf, I have, &c.

(Signed) HENRY LEE.

Inclosure 1 in No. 31.

Extract from the "Standard" of February 20, 1883.

ENGLAND AND SPAIN IN MOROCCO.

(From our Correspondent.)

Madrid, Monday.

BY Treaty, in 1860, Morocco ceded to Spain a place on the south coast of that Empire, somewhere near Mogador, but neither Spain nor Morocco, during twenty-three years, seem to have known the exact situation of Santa Cruz de Mar Pequeña, though Spain declared it had been the site of a factory in the seventeenth century. Several special Missions explored the coast, and pointed out half-a-dozen supposed sites for territory ceded by the above Treaty; the Madrid Geographical Society also discussed the merits of four or five different Santa Cruzes. At last, owing to indications received from traders of the Canary Islands, Spain fixed upon a bay situate near the River Ifni, not far from the fisheries frequented annually by a large flotilla of fishing boats from the Canary Isles, and a spot considered eligible to attract trade with the southern region of Morocco and the interior of North Africa. Last summer Spanish diplomacy affected considerable alarm at the successful efforts of the English South African Company which traded with Mogador, and with Arab tribes on the coast near Cape Juby, having even prepared establishments of factories. Spanish Consular Agents endeavoured, on their own confession in the Red Book, to counteract the influence of British traders, and the Madrid Foreign Office insisted with the Sultan for the early surrender of Santa Cruz. The Sultan seriously objected that such a step might create among all his Moorish subjects, and especially among the semi-independent Arab tribes on the coast, feelings of hostility and a conflict with Spain. The Sultan volunteered a large indemnity, or an exchange of territories and strategic positions near Ceuta, close to the Straits of Gibraltar, and a strip of territory from the Mediterranean coast, near Cape de Aguas, opposite the Chaffarinas Islands, and extending right along the

frontier of the French Province of Oran, even across the Atlas Mountains to the Desert, to cut off France from the road leading to Figui, if Spain would only give up Santa Cruz. The Marquis Vega Armijo rejected these offers, though they found much favour in military and political circles at Madrid, where any prospect of a solid basis of operations on the African shores of the Straits of Gibraltar, and the idea of a check on French encroachments in Morocco, would be very popular. However, jealousy of British trade, which really represents 70 per cent. of all the imports and exports of Morocco, and jealousy of the friendly feelings shown by both the Sultan and his subjects to our able and veteran Minister in Tangiers, and to Englishmen simply because they entertain no ambitious designs on Morocco, and because their trade develops its prosperity, seems to have impelled the Madrid Foreign Office to send a sloop with officers, commissioners, and a force of marines to Mogador, in order to embark the Representatives of the Sultan, who are to hand over officially Santa Cruz. The Ministerial papers in Madrid declare this affair a success of their diplomacy, which they consider has thus simultaneously checked British influence and asserted a more vigorous attitude of Spain in Morocco.

Inclosure 2 in No. 31.

Extract from the "Sunday Times" of February 18, 1883.

WITHIN five days' steam of our tight little island lies a country of which most Englishmen know next to nothing. Of the geography, the peoples, the politics, the productions of an Empire larger than France, and within half the distance of the United States, the majority even of the reading public are more ignorant than of Taprobane or far Cathay. The Himalayas and the Andes are far more familiar to us than the Atlas, and to our imagination the Grand Lama of Thibet is a less mysterious personage than the Shereefian Sultan of Morocco. Yet the silver streak between Gibraltar and Ape's Hill is less than a score of miles in breadth. On this side of the narrow channel are to be found all the complex refinements of European civilization, while on the other side lies a barbaric Empire, which, though blighted by an atrocious despotism and a fatal creed, is by its geographical position and its splendid but undeveloped resources destined at no distant period to play an important part in the foreign politics of England, France, and Spain. Apart from the fact that the garrison of Gibraltar is mainly provisioned by Tangier, British statesmen have not failed to realize that were that town again to come into our possession, England would then hold both gates of the Mediterranean; while, were Tangier in the hands of a hostile Power, the safety of our fortress would assuredly be imperilled. As for France, her old dream of an united North African confederation under French protection has been abandoned in favour of a policy of direct annexation. Nor can there be much doubt but that the colonization of Algeria and Tunis distinctly threatens the future independence of Morocco. With regard to Spain, besides being stimulated by a national hatred—which has slumbered, but never died—of her whilom conquerors, the Arab and the Berber; besides coveting Tangier as the key which may possibly open the gates of Gibraltar, she is, at last, wide awake to the advantages derivable from the conquest of Morocco. The Spaniard has long planted his foot firmly on the northern coast of the Empire. Invariably taking advantage of the tribal insurrections which have so often convulsed the whole kingdom, Spain has seized and fortified several small towns and islands, and meanwhile is simply biding her time, wrapped in the fond vision of an annexation which all her armies might fail, if unaided, to achieve.

There would seem, therefore, not to be much exaggeration in the assertion, that the present independence of Morocco is mainly based upon European international jealousies. His Shereefian Majesty, at least, appears to imagine that such is the case, because, in addition to opposing all manner of obstacles to the development of infidel enterprise in his realms, he displays no little skill in playing Minister against Minister. If Sir John Drummond Hay afflicts him with too much good advice, Moulai Hassan coquets for a while with French advances, or seems to turn a favourable ear to the insidious proposals of Spain. The game is ancient, but interesting, especially considering the largeness of the stake, and the possible effect on British prestige of the loss of the odd trick. It seems curious, therefore, that the affairs of Morocco, as a rule, attract so little notice in England, while attracting so much in Spain and in France. But we, nevertheless, venture to call attention to two telegrams from Madrid, published in the London papers on Tuesday. The first, dated the 12th February, states that "Advices have been received here to the effect that the officials of an English Colonization Society, having its head-quarters on the West Coast of Africa, have opposed the occupation by the Spaniards of Santa Cruz de

Mar Pequeña, which was ceded to Spain by Morocco in the Treaty of Vad Ras. The English colonists, it is said, maintain that Cape Juby, which belongs to them, is part of the territory claimed by Spain. The Emperor of Morocco denies this assertion. The Spanish Minister for Foreign Affairs has taken steps to bring the matter before the Governments of Great Britain and Morocco, demanding the strict execution of the Treaty of Vad Ras and the possession of Cape Juby."

Before discussing the significance of this intelligence, it is necessary to correct an inaccuracy. The English Colonization Society is certainly not at present, nor has it ever been, a Colonization Society, but a Trading Association of Liverpool, known as the North-West African Company, which, about five years ago, made a settlement at Cape Juby without obtaining the express sanction of the Emperor, within whose dominions that territory is, at least nominally, included until the Spanish claim be settled. Besides erecting stores on the mainland, the Company has constructed on the reef which runs out from Cape Juby a fortified building, with walls 5 feet thick, and provided with four cannon, a Gatling gun, and an armoury, at a cost, it is said, of about 30,000*l*. Even while remembering the career of John Company, it seems almost incredible that a Trading Association should have been formed in England seemingly with the express intention of seizing on a portion of territory claimed both by Morocco and Spain. But even such an act is not so extraordinary in itself as that it should ever have been permitted to occur by our Foreign Office, which has long been cognizant of the existence of the North-West African Company. That such an apparent outrage should have been tolerated for nearly five years, not merely by Spain, but also by the Sultan of Morocco, may seem curious. But it is rumoured, at least, that one of the objects of his Shereefian Majesty's expedition (at the head of an army of 27,000 men) in May last to the Trans-Atlas Provinces of Soos, Ait Bon Amran, and Noon, was to check the increasing influence, if not to abolish the existence, of a certainly formidable and seemingly illegal enterprise. But the breakdown of his commissariat, owing to a local famine, compelled Moulai Hassan, so it is alleged, to retire to the southern capital *re infecta*, at least in part. Another purpose, however, of the Imperial expedition, is in a fair way to be accomplished. One of the most powerful of the semi-independent Chiefs in Southern Morocco was supposed to have aided and abetted (without the authority of the Sultan) the establishment of the North-West African Company at Cape Juby. Though a failure of supplies rendered it impossible for the Emperor to reach the mountain fastnesses above Ilirgh, to which Cid Hoscine (son of the Cid Hashem who in 1810 threw off his allegiance to the reigning Sultan) had betaken himself on the approach of the army, a blow was struck at the Company by an Imperial edict authorizing the formation of a port at Assaka which might compete successfully with the trading post at Cape Juby. (Later advices, however, state that, instead of Assaka, the port of Agadir, which has been closed since 1797, will now be re-opened).

Having endeavoured thus to sketch the attitude of the Sultan towards the North-West African Company, we subjoin the second telegram from Madrid, dated 13th February:—"The Ministerial journal, 'El Correo,' publishes a letter from Morocco denouncing what the writer describes as the attempts of the British Government to bring about English preponderance in Morocco by the establishment of factories at different points of the coast, especially at Santa Cruz de Mar Pequeña, which place was ceded to Spain by Treaty in 1869. The letter proceeds as follows:—"Thanks, however, to the activity of the Spanish Consul at Mogador, the English designs have been completely frustrated. The Moorish Government and the border tribes are quite convinced that their independence would be seriously threatened were they to allow England to obtain a firm footing in Morocco."

As the North-West African Company has established a partly-fortified settlement at Cape Juby, and as the Company (it is alleged) during the five years of its existence, has shipped home little else than a few hundred bales of wool, we can hardly be surprised that it is denounced in the Spanish Ministerial journal as the thin end of the wedge of a British Protectorate. (The writer of the letter published by "El Correo" in mentioning factories—in the plural—probably hints at another somewhat similar, but far less powerful, association of English traders.) There are reasons for doubting the statement that "the English designs have been completely frustrated," if the designs alluded to be those of the North-West African Company. But the two telegrams we have quoted seem to tend to indicate—firstly, that the North-West African Company have absolutely occupied Cape Juby with the full knowledge that it was part of a territory claimed by Spain, if not by Morocco; secondly, that Spanish jealousy has been thoroughly aroused by the action of the Association; thirdly, that any complications which may arise between England, Spain, and Morocco from the present situation may fairly be attributed to "the establishment of British factories at different points on the coast" of Morocco.

Now, while perfectly willing to admit that the North-West African Company may have honestly believed that Cape Juby was not even claimed by the Sultan as a portion of the Empire, we maintain that, in the first place, if the Emperor's sovereignty includes (as he asserts) Cape Juby, the Company ought not to have established a partly-fortified factory in that locality until the question of the validity of the Sultan's pretensions had been definitely settled. In the second place, the Company ought not to have established a factory at Cape Juby until the pretensions of Spain had been completely disposed of. For, though it may be urged that the tribes of Soos, Noon, and Ait Bou Amram have been practically independent since 1810, it would remain to be proved that the Sultanate has ever recognized that independence. It is, at least, perfectly certain that within the last thirty years Sultan Mohammed considered himself entitled to cede, and Spain was contented to accept, a portion (though possibly not the portion) of the very territory on which a British Company has constructed a fortified factory.

Unless, therefore, the Foreign Office can deny all knowledge of the North-West African Company's establishment at Cape Juby, or unless it is prepared to prove the invalidity alike of the Sultan's pretensions and of the Spanish claims, or unless it can plead that it has no power to prevent the establishment of British Companies on territories claimed by other Powers, it will not be held blameless in the investigation which is, very properly, being instituted by the Spanish Minister for Foreign Affairs.

No. 32.

Sir R. Morier to Earl Granville.—(Received February 26.)

(No. 25.)

My Lord,

Madrid, February 22, 1883.

THE subjoined paragraph, to the effect that Her Majesty's Government have sent officers and engineers to survey the Dje-bel-Sidi-Musa, or Mountain of Apes, on the Moorish coast opposite Gibraltar, is going the rounds of the Spanish papers, and I should be glad to have it in my power to give it authentic contradiction:—

"THE ENGLISH IN MOROCCO.—The Havas Agency of Paris is informed from Madrid that, according to news received from Morocco, the British Government have sent officers and engineers to the Morocco coast, who are now exploring the Dje-bel-Sidi-Musa, or Mountain of Apes, situated at the point which juts out furthest towards the Mediterranean and comes nearest to the Spanish coast, at a distance of some twelve or fifteen maritime miles to the west of Ceuta.

"According to the communication above referred to, the Dje-bel-Sidi-Musa forms an abrupt precipice on the land side, from whence it is consequently inaccessible, and, thanks to this circumstance, the British explorers are enabled to work quite unmolested. They are now making a study of the works required for constructing platforms on which guns may be mounted, on being brought in vessels from Gibraltar at a given moment.

"The correspondent of the Havas Agency states that this step has been resolved upon by the British Government, in view of the effect produced in Spain by Señor Don José de Navarrete's pamphlet, 'The Keys of the Straits.'"

I have, &c.
(Signed) R. B. D. MORIER.

No. 33.

Earl Granville to Sir R. Morier.

(No. 22.)

Sir,

Foreign Office, February 28, 1883.

YOU are authorized, if occasion should arise, to give a verbal contradiction to the newspaper report alluded to in your despatch No. 25 of the 22nd February, to the effect that Her Majesty's Government have dispatched officers and engineers to survey the Mountain of Apes on the Moorish coast opposite Gibraltar.

I am, &c.
(Signed) GRANVILLE.

No. 31*.

Sir J. Drummond Hay to Earl Granville.—(Received February 24.)

(No. 12.)

My Lord,

Tangier, February 16, 1883.

I HAVE the honour to transmit the translation of a letter addressed by Cid Mohammed Bargash to the foreign Representatives at Tangier, requesting that they make known to him the result of the inquiry which, they had informed him, would be instituted regarding the complaints received from Consular officers at the Moorish ports respecting the Rules* which had been agreed upon for the establishment of tolls and agricultural taxes upon foreign subjects.

Cid Mohammed Bargash further points out in his letter that some of the foreign Representatives who had not agreed to his interpretation of the Articles of the Madrid Convention respecting protection, and had stated that they would refer to their Governments for instructions, had not yet made known to him the replies they had received thereto.

Cid Mohammed Bargash specifies the chief points upon which he expected to receive replies from the Representatives, and acquaints them that he desires to convoke a meeting as soon as they were prepared to give him the required information.

On receipt of this letter the foreign Representatives held a meeting at this Legation. It was decided that the Commission appointed to investigate the complaints received regarding the Rules for taxation should deliver their Report on the 20th instant, and I was requested, as Doyen, to express to Cid Mohammed Bargash the regret of the Representatives that there had been so much delay in the preparation of the Report.

With regard to protection afforded by some of the Representatives to Moorish subjects in contravention of the spirit of the Madrid Convention, it would appear that Cid Mohammed Bargash had hoped that the Representatives would have come to a common understanding on this subject.

From the language held at the meeting, it will be observed that the Representatives decline to discuss amongst themselves the interpretation to be given to the Articles of the Madrid Convention. Each Representative, therefore, continues to grant protection according to his understanding of the said stipulations, but the German, Belgian, Spanish, and French Ministers, and I myself, as representing Great Britain, Austria, Denmark, and the Netherlands, have informed Cid Mohammed Bargash that we are prepared to adhere to the interpretation given by him to the wording of the Convention.

The Italian Minister, who represented at the meeting the United States' Consul-General, maintained the right of protected Moorish subjects to employ agents, who are also granted protection.

The Spanish Minister thought it desirable that, even though the Representatives may decline to discuss with each other the interpretation to be given to the Madrid stipulations, each Representative should state, when the meeting takes place, the manner in which he considers he could interpret the said stipulations; and he added that he (M. Diosdado) reserved his right to demand from the Moorish Government the same privileges for Spanish subjects and persons under Spanish protection as might be ceded or tolerated by this Government as regards subjects of other foreign Powers.

In a meeting of the Representatives on the 13th March of last year I had held the following language: "Le Ministre de la Grande-Bretagne a reconnu qu'il se trouvait dans sa liste des indigènes dont la protection est irrégulière; qu'il les maintiendrait tant que de telles protections figureraient sur les listes de ses collègues, mais qu'il était prêt à les rayer le jour où une mesure serait prise à cet égard par les Représentants d'accord avec Cid Mohammed Bargash."

I used that language in the hope that the latitude which some of the Representatives had chosen to give to the wording of the Madrid Convention would be restricted, and that Cid Mohammed Bargash would have been enabled to induce them to erase from their lists the names of Moorish subjects irregularly protected, but this proved to be a vain hope.

Cid Mohammed Bargash, and even the Sultan and his Ministers, are so timorous about giving offence by attempting to combat demands, however unjust or irregular, put forward by any one of the foreign Representatives, that the questions about protection have remained all this time in abeyance.

As I have little hope that existing abuses will be abolished, and though I thought it expedient last year to make the above-mentioned reservation, I have informed my

* See inclosure in despatch No. 39 of April 12, 1881.

colleagues, as your Lordship will learn from my language in the *procès-verbal*, that I am prepared to withdraw from it, if permitted to do so by Her Majesty's Government and the other Governments I represent.

The extension of protection, and the constant vexatious questions and claims which arise regarding property of protected natives, are a source of much trouble, and I am not of opinion, as I stated to my colleagues, that the real interests of honest merchants are benefited by such irregular protection, whilst the fact of other Representatives encouraging or admitting abuses and irregularities does not, I think, justify us in allowing British subjects also to practise them. As to the influence which some suppose is attained by such protection, it cannot be of an enduring or genuine character, when based upon the commission of a wrong, tolerated by a weak and helpless Government.

In the language I held in the *procès-verbal* will be found the chief points alluded to by the Moorish Minister, viz.:—

1. That foreign merchants not doing a large business should not be allowed agents who are to be protected.

2. That native interpreters or other protected persons should not be permitted to appoint native agents who, again, are to be protected.

The Italian Minister maintains his right to allow protected native merchants to employ protected agents on the ground that Article XV of the Spanish Treaty of 1861, of which a copy is herewith inclosed, grants to protected persons the same privileges as Spanish subjects; but Article IV of the Madrid Convention of 1880 stipulates distinctly that a Consular officer who is a native "n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille;" and again in Article IX, "Les domestiques, fermiers, et autres employés indigènes des Secrétaires et Interprètes indigènes ne jouissent pas de la protection." If, then, native Consular officers, Interpreters, and Secretaries are expressly excluded from the privilege of protecting in their turn other Moorish subjects, it is to be inferred that protected native merchants cannot claim a privilege denied to official protected persons. It is strange that the Italian Minister should not draw a similar conclusion, and his persistence is the less intelligible as the various native merchants to whom he extends protection do no business with Italy, but are engaged in carrying on a trade with Great Britain and France.

I may further observe with regard to Article XV of the Spanish Treaty that it is not specified in any other Article of that Treaty that protection can be granted by Spanish subjects to natives in their employment, and no such interpretation is given by the Spanish Government to that Article as the Italian Minister seeks to give to it.

I think it is probable that the proposed meeting of the foreign Representatives convoked by Cid Mohammed Bargash will take place about the end of this month; it will be a satisfaction to me, therefore, if your Lordship will kindly cause a telegram to be sent to me informing me whether your Lordship approves my language and views, and whether I am authorized to withdraw from the reservation made by me last year.

I defer asking for instructions from the other Governments I represent until I learn your Lordship's views.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 31*.

Circular addressed by Cid Mohammed Bargash to Foreign Representatives.

(Traduction.)

7 Rabia I, 1300 (18 Janvier, 1883).

VOUS nous avez informés, il y a dix mois environ, que des plaintes avaient été présentées à quelques-uns parmi les Ministres des Puissances étrangères, relativement au Règlement qui a été d'un commun accord établi entre tous les Représentants et par eux signé, concernant les impôts sur l'agriculture et le droit des portes, et qu'il était de votre intention de nommer une Commission chargée d'examiner ces plaintes et de nous en faire connaître le résultat; mais dès lors il ne nous est plus parvenu aucun mot à ce sujet, laissant ainsi en suspens pour longtemps le paiement de sommes considérables au détriment des revenus de l'État.

Il ne nous est de même plus parvenu aucune nouvelle sur le résultat de la décision prise par plusieurs Ministres des Puissances étrangères de soumettre à leurs respectifs Gouvernements, à l'effet de recevoir les instructions nécessaires, la question des censaux ainsi que d'autres individus qui, selon nous, seraient protégés contrairement à l'esprit de la Convention de Madrid.

Les points principaux que nous soumettons à la discussion sont:—

1. Ce que nous avons dit auparavant pour les impôts restés en suspens jusqu'ici.
2. Censaux accordés aux négociants étrangers qui ne font pas le commerce en gros d'importation et d'exportation, de sorte que la protection est accordée en dehors des Règlements.

3. Les sujets Marocains adonnés au commerce qui jouissent de la protection ont des censaux qui sont aussi protégés.

4. Les papiers de naturalisation ne seront admis à moins qu'ils ne soient conformes à ce qui a été stipulé dans les Traités.

Nous vous prions, Messieurs, de vouloir bien nous faire connaître le jour et l'heure que vous choisirez pour réunir chez nous le Corps Diplomatique afin de traiter les matières ci-dessus énoncées et de les résoudre d'après le prescrit de la Convention de Madrid, car c'est l'intention de notre Seigneur—que Dieu le protège!—ainsi que la nôtre, de nous conformer à la lettre à la dite Convention.

Paix et amitié!

(Signé) MOHAMMED BARGASH.

Inclosure 2 in No. 31*.

Procès-verbal de la Séance du 26 Février, 1883.

Étaient présents:

M. le Ministre d'Allemagne;
M. le Ministre d'Espagne, représentant la Russie;
M. le Ministre de France;
M. le Ministre de la Grande-Bretagne, représentant l'Autriche-Hongrie, le Danemark, les Pays-Bas et, par intérim, la Belgique, et la Suède et Norvège;
M. le Ministre d'Italie, représentant les États-Unis;
M. le Ministre de Portugal.

LA séance est ouverte à 3 heures.

M. le Ministre de la Grande-Bretagne donne lecture de la lettre de Si Mohammed Bargash, du 16 Janvier, relative au Règlement des taxes et à la protection, et invite ses collègues à faire connaître leur opinion.

M. le Ministre d'Allemagne prend la parole et dit qu'appelé par ordre alphabétique à se prononcer le premier sur la Circulaire relative à la protection exercée par les Représentants et les Consuls étrangers sur les sujets Marocains, que Si Mohammed Bargash a adressé au Corps Diplomatique, son opinion est que cette question peut et doit être discutée et, s'il est possible, vidée avec le Ministre des Affaires Étrangères de Sa Majesté Chérifiennne.

Quant à savoir si les négociants qui ne font pas le commerce en gros d'importation et d'exportation et si les sujets Marocains protégés, adonnés au négoce, ont droit aussi à des censaux privilégiés, comme en ont les négociants Européens faisant le commerce en gros d'importation et d'exportation, la Convention de Madrid décide ces deux points, car elle n'accorde pas ce privilège à ces deux catégories de négociants. Le Gouvernement Marocain a donc le droit et le devoir de veiller à ce que la Convention soit, à cet égard, strictement observée et de se refuser à reconnaître la qualité de censaux privilégiés aux personnes qui lui seraient présentées par les Représentants, sans que la Convention leur en accorde le droit.

"J'estime, en conséquence," ajoute M. le Ministre d'Allemagne, "que dans la réunion que nous propose Si Mohammed Bargash, nous ne pourrions nous occuper que de la question No. 4, relative au Règlement des taxes, et que nous devons déclarer au Ministre des Affaires Étrangères que nous n'avons ni l'autorisation, ni la compétence nécessaires pour interpréter les Traités et Conventions existant entre le Maroc et les Puissances Européennes, pas plus que nous ne sommes appelés à en combler les lacunes, s'il en existe, à moins des ordres spéciaux de nos Gouvernements. J'ajoute que Si Mohammed Bargash semble se méprendre sur la nature et la valeur pratique de ce qu'on appelle le 'Corps Diplomatique.' Il paraît croire que la majorité des Représentants a le droit ou, au moins, un certain pouvoir d'imposer son opinion à la minorité, ou bien à un d'entre eux.

"C'est là une erreur—il serait utile d'en convaincre une fois pour toutes Si Mohammed Bargash—parce que le Corps Diplomatique n'a aucune existence légale; il n'est

que l'assemblée de Représentants de différents Gouvernements parfaitement indépendants les uns des autres. Il n'a aucun droit et aucun pouvoir. Dans le cas où un de ces Représentants ne se conformerait pas aux Traités et violerait les droits du Souverain de ce pays, le Gouvernement de Sa Majesté Chérifienne n'aura à faire qu'avec le Gouvernement de ce Représentant, et les Représentants des autres Puissances, accrédités auprès du Sultan, n'auront aucun droit d'intervenir à moins d'ordres spéciaux de leurs Gouvernements. C'est dans ce sens qu'à mon avis nous devrions charger le Doyen de parler dans la réunion que le Ministre du Sultan nous propose."

M. le Ministre d'Espagne dit qu'il ne se croit pas en droit de discuter avec ses collègues sur l'interprétation de la Convention de Madrid; qu'il est disposé, avec l'approbation de son Gouvernement, d'accéder aux demandes formulées par Si Mohammed Bargash, et qu'il estime, pour sa part, conformes à la lettre et à l'esprit de la dite Convention; qu'il se réserve toutefois le droit de demander au Gouvernement Marocain le même traitement accordé aux sujets et protégés des autres Puissances sans entrer pour cela avec les autres Représentants en discussion sur leur manière d'exécuter la Convention. M. le Ministre d'Espagne termine en disant qu'il croit cependant utile que les Représentants étrangers se réunissent, comme ils y ont été invités, chez Si Mohammed Bargash, pour s'y entretenir de la protection et de la manière dont chacun entend exercer ce droit, d'après la Convention de Madrid.

M. le Ministre de la Grande-Bretagne fait observer que Si Mohammed Bargash se plaint, à juste raison, que le résultat des délibérations du Corps Diplomatique sur la révision du Règlement des taxes ne lui ait pas été encore présenté. Il est donc nécessaire que la Commission* se mette sans retard à l'œuvre pour étudier les plaintes adressées aux diverses Légations par leurs ressortissants et voir si elles sont fondées. Le Rapport de la Commission devra être présenté le 20 Février prochain.

M. le Ministre d'Italie, en son nom et en celui du Consul-Général des États-Unis, dit qu'il serait en effet désirable que cette question fut vidée le plus promptement possible, car tout retard apporte un préjudice grave au fisc Marocain.

M. le Ministre de Portugal émet la même opinion.

M. le Ministre de la Grande-Bretagne veut bien se charger de porter à la connaissance de Si Mohammed Bargash les résolutions adoptées à ce sujet.

M. le Ministre de France dit en substance: "La Convention de Madrid a réglé la question de la protection au Maroc. Nous avons pour mandat d'en exiger la stricte exécution du Gouvernement Marocain, comme il a lui-même le droit de se refuser à toute exigence contraire aux stipulations internationales.

"Mais nous n'avons pas qualité pour modifier une Convention ratifiée par nos Gouvernements respectifs. Toute discussion sur ce sujet serait oiseuse et pourrait nous entraîner sur un terrain délicat. Pour ma part, je récusé toute solidarité dans le mode d'application des clauses relatives à la protection et je ne me reconnais responsable que vis-à-vis de mon Gouvernement. Je n'éprouve d'ailleurs aucun scrupule à dire catégoriquement ma pensée, et je déclare que sur les points en question les termes de la Convention ne me laissent aucun doute. Pour nous, nous avons assez d'intérêts réels au Maroc pour n'avoir aucun besoin de nous en créer de fictifs. La Légation de France ne donne des censaux qu'à ses nationaux faisant le commerce en gros, et ne reconnaît pas aux censaux ou protégés le droit d'avoir à leur tour des protégés.

"Adopter une autre interprétation ce serait annuler la Convention de Madrid et nous arroger sur les sujets de Sa Majesté Chérifienne un droit de juridiction dont l'extension n'aurait plus aucune limite appréciable. Au surplus, si les Gouvernements qui ont ratifié la Convention veulent la modifier, ils devront donner à leurs Agents des pouvoirs spéciaux *ad hoc*.

"La France a toujours défendu le principe de la protection en pays Musulman comme un moyen de civilisation. Mais les meilleures choses en ce monde peuvent devenir nuisibles par l'abus. C'est à la condition de maintenir la protection dans les limites légales et équitables que nous pouvons exiger la réciprocité du Gouvernement local et faire prévaloir un moyen d'action qui n'est indiscutable qu'en tant que nous l'exerçons pour sauvegarder les intérêts légitimes de nos nationaux."

M. le Ministre de la Grande-Bretagne dit: "La faiblesse du Gouvernement Marocain, son impuissance à résister aux réclamations incessantes que peut soulever de la part des Représentants l'interprétation des Articles de la Convention relatifs à la protection, sont les motifs pour lesquels je crois que Si Mohammed Bargash désirait que les trois questions faisant l'objet de la Circulaire fussent discutées par les Représentants; mais comme l'ont déjà

* Cette Commission est composée de M. Montfraix, Secrétaire d'Ambassade; M. Motta, Vice-Consul d'Italie, et M. Rinaldi, Drogman de la Légation d'Espagne.

fait observer mes honorables préopinants, les discussions semblent ne pas devoir aboutir. Pour ma part je suis disposé à accepter, comme je l'ai déjà annoncé l'année dernière, l'interprétation donnée par Si Mohammed Bargash dans sa lettre du 17 Avril, 1881, aux Articles de la Convention de Madrid relatifs à la protection et à la naturalisation. Cependant, j'avais alors déclaré que tant que les noms d'indigènes figureraient sur les listes des autres Représentants, contrairement à l'interprétation donnée par ce Gouvernement aux Articles de la dite Convention, je maintiendrais à mes ressortissants le droit de jouir des mêmes privilèges, tant que cet état de choses serait toléré par le Gouvernement Marocain. J'ajoutai que j'étais prêt à rayer de mes listes les noms des censaux que Si Mohammed Bargash indiquerait comme étant irrégulièrement protégés le jour où mes collègues auraient accepté son interprétation des Articles sur la protection. Comme il semble que quelques-uns des Représentants n'admettent pas la même interprétation, mon intention est de demander aux Gouvernements que je représente l'autorisation de m'écarter de cette réserve et de rayer de mes listes les noms des censaux qui ne sont pas *bond fide* employés par des négociants faisant le commerce en gros, et de ne pas permettre non plus que les interprètes indigènes aient des censaux jouissant de la protection.

"Je saisis cette occasion de déclarer qu'il n'y a pas dans mes listes de protégés, présentés l'année passée, qui ne soient *bond fide* au service de ma Légation ou des officiers Consulaires à moins qu'ils ne soient des censaux.

"En abandonnant le droit de réclamer les privilèges et les abus de protection que la faiblesse de ce Gouvernement tolère, j'aime à croire que ni le commerce ni les intérêts de mes ressortissants faisant honnêtement leurs affaires n'auront à en souffrir. J'aurai en même temps la satisfaction d'écarter ainsi toute question irritante et d'éviter, sur cette question de protection, les réclamations constamment soulevées avec ce Gouvernement; mais avant de faire une communication dans ce sens au Gouvernement Marocain, j'attendrai les instructions des Gouvernements que je représente."

M. le Ministre d'Italie dit d'abord qu'il n'admet aucune ingérence dans sa manière d'interpréter et d'appliquer les Traités; à son avis les protégés qui font le commerce en gros d'exportation et d'importation, notamment les Israélites, ont, plus encore que les nationaux, besoin d'avoir des censaux pour défendre leurs intérêts commerciaux et pour pouvoir exercer leur commerce. Du reste, il lui semble que la Convention de Madrid n'a pas abrogé l'Article XV du Traité Espagnol, signé avec le Maroc en 1861, aux termes duquel les protégés jouissent des mêmes droits et privilèges concédés aux nationaux par le dit Traité ou qui pourraient dans l'avenir être accordés à la nation la plus favorisée. Il est certain, d'ailleurs, que malgré la Convention de 1861, les Israélites ont continué par la suite à avoir des censaux, mais ce n'était pas là un abus, étant donné les termes de l'Article XV susmentionné—l'abus était dans le seul fait d'accorder des censaux aux protégés ou aux nationaux qui ne font pas le commerce en gros d'exportation et d'importation. Si vraiment nous voulons la civilisation au Maroc, il ne faut pas entraver le commerce des protégés Israélites Marocains, qui sont le seul élément indigène de civilisation existant dans ce pays.

M. le Ministre d'Italie dit en terminant qu'il a adressé un Rapport à ce sujet à son Gouvernement dont il attend les instructions. Il ajoute qu'en dehors de cette question il est sur tous les autres points d'accord avec ses honorables collègues d'Allemagne et de France.

M. le Ministre de Portugal déclare qu'il partage la manière de voir de M. le Ministre de France et qu'après ce qui a été dit par ses honorables collègues il s'abstient aussi d'entrer dans la discussion de la Circulaire du Ministre des Affaires Étrangères, mais qu'il renouvelle sa complète adhésion au désir exprimé par Si Mohammed Bargash au sujet du Règlement des taxes.

La séance a été levée à 5 heures, et les Représentants ont signé le présent procès-verbal.

(Signé)

TH. WEBER.
J. DIOSDADO.
L. ORDEGA.
J. H. DRUMMOND HAY.
ET. SCOVASSO.
F. A. MATHEWS.
JOSÉ DANIEL COLAÇO.

Inclosure 3 in No. 31*.

Article XV of Treaty of Commerce and Navigation between Spain and Morocco, signed at Madrid, November 20, 1861.

SPANISH subjects, or persons under Spanish protection, whether Christians, Mahommedans, or Hebrews, shall likewise enjoy all the rights and privileges conceded by this Treaty, and those which may be at any time conceded to the most favoured nation.

No. 34.

Sir J. Pauncefote to Mr. H. Lee, M.P.

Sir,

Foreign Office, February 28, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 22nd instant relative to the fears entertained by the North-West African Company, that their interests may be affected by the claim advanced by the Spanish Government to Santa Cruz de Mar Pequeña.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 35.

Consul Dupuis to Earl Granville.—(Received March 5.)

(No. 12.)

My Lord,

Teneriffe, February 21, 1883.

I HAVE the honour to acknowledge the receipt, this day, of your Lordship's telegram of the 17th instant, and to inform you that the Spanish expedition for Santa Cruz de Mar Pequeña, on the African coast, is still here, and that I shall not fail to acquaint your Lordship when it leaves this port.

I have, &c.
(Signed) J. HUTTON DUPUIS.

No. 36.

Earl Granville to Sir J. Drummond Hay.

(No. 9.)

Sir,

Foreign Office, March 5, 1883.

WITH reference to my despatch No. 2, Confidential, of the 2nd instant, I transmit, for your information, copies of letters which I have recently received from Mr. H. Lee, M.P., relative to the position of the North-West African Company at Cape Juby.*

I am, &c.
(Signed) GRANVILLE.

No. 37.

Mr. Reade to Earl Granville.—(Received March 6.)

(No. 5.)

My Lord,

Tunis, January 23, 1883.

I AM informed from a reliable source that M. Cambon has stated that his Government hopes soon to settle the Sfax indemnity question on the following basis, that is to say, two-thirds of the sum allotted to each claimant by the International Commission will be paid in full satisfaction of every claim.

I venture to submit this information for your Lordship's guidance.

I have, &c.
(Signed) THOS. F. READE.

No. 38.

Viscount Lyons to Earl Granville.—(Received March 7.)

(No. 183.)

My Lord,

Paris, March 6, 1883.

WITH my despatch No. 112 of the 23rd ultimo I had the honour to send your Lordship copies of a Bill to organize French jurisdiction in Tunis, which had been brought into the Senate by the Government.

* Nos. 6, 10, 11, 17, and 31.

I have now the honour to inclose copies of the Report of the Senate Committee on the Bill.

Your Lordship will see that the Committee proposed several modifications of the Government Bill. These modifications are explained in the Report, and to it is annexed a Table (p. 2) in which the Bill of the Government and the Bill of the Committee are printed in parallel columns, and the modifications of the Committee are indicated by italics.

The Bill, as modified by the Committee, was declared urgent, and was passed by the Senate on the 3rd instant by 226 votes to 5.

As the debate in general, and in particular the speeches of the Duc de Broglie and of M. Challemeil-Lacour, the Minister for Foreign Affairs, are interesting and important, I inclose the authentic Report of the debate given in the "Journal Officiel" of the day before yesterday.

It appears to result clearly from the documents and the speeches, that all parties consider the position of France in Tunis to be definitive ("que nous y sommes à titre définitif"); that the jurisdiction of the French Tribunals is to be extended to foreigners eventually; that this will not, however, be done until the several foreign Nations agree to give up the Capitulations; lastly, that the French Government consider that they have received encouraging answers from all except one of the foreign Nations that they have sounded respecting the abandonment of the Capitulations.

The following statements were made by M. Challemeil-Lacour respecting the state of the negotiations:—

"Si des décrets sont rendus par le Bey pour placer les étrangers, comme ses propres sujets, sous la protection Française, ce ne peut être évidemment qu'après que des arrangements auront été pris avec les diverses Puissances en vue de l'abrogation des Capitulations."

"M. Duclerc avait chargé nos Représentants auprès des diverses Puissances de s'informer des dispositions de celles-ci.

"Est-ce là ce qu'on peut appeler une proposition formelle? Le précédent Ministre des Affaires Étrangères a-t-il chargé l'Ambassadeur de France en Angleterre de faire au Gouvernement Anglais une ouverture positive? A-t-il demandé au Gouvernement Anglais de procéder dès à présent à l'abolition des Capitulations? Je ne le crois pas. Nos Agents se sont contentés, comme ils en avaient reçu l'ordre, d'entrer en pourparlers sur ce point avec les diverses Puissances, et le résultat de ces pourparlers, c'est qu'ils ont obtenu de tous les Gouvernements, sauf un seul, des réponses satisfaisantes."

"Tel est, Messieurs, l'état des choses à l'heure qu'il est. Nous avons reçu de toutes les Puissances les assurances les plus formelles que leur assentiment à l'abrogation des Capitulations ne nous ferait pas défaut du jour où l'organisation d'une justice Française en Tunisie leur offrirait des garanties suffisantes. S'informer des dispositions des Puissances sur ce point, s'assurer qu'elles inclinaient, avec des degrés divers d'empressement, à se prêter à l'ordre de choses que nous nous proposons d'établir en Tunisie, c'est tout ce qu'on pouvait faire, c'est tout ce qu'on a fait. Ces informations, on les a prises; ces assurances, on les a reçues, et nous croyons pouvoir affirmer ici que, lorsque le projet que vous êtes appelés à discuter en ce moment aura été voté, lorsque l'organisation judiciaire que nous nous proposons d'établir en Tunisie fonctionnera, les assurances qui ont été données deviendront des faits accomplis."

The one Government which has not given a satisfactory answer on the subject of the Capitulations is supposed to be Italy.

I have, &c.
(Signed) LYONS.

Inclosure in No. 38.

Draft of Law.

Projet du Gouvernement.

ARTICLE 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis; les Justices de Paix ont leur siège

Projet de la Commission.

ARTICLE 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis; les Justices de Paix ont leur siège à

Projet du Gouvernement.

à Tunis, à la Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu, le Conseil d'État entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

Leur compétence s'étendra à toutes autres personnes dans les cas que détermineront les Décrets rendus par Son Altesse le Bey, avec l'assentiment du Gouvernement Français.

Art. 3. Le Juge de Paix de Tunis a, en matière civile et pénale, la compétence ordinaire, telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Les autres Juges de Paix exercent, en matière civile et pénale, la compétence dite étendue, telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Art. 4. Le Tribunal de Première Instance statue, en dernier ressort, jusqu'à concurrence d'une valeur de 3,000 fr. En premier ressort sa compétence est illimitée.

En matière pénale, il est compétent pour tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

Art. 5. Si une infraction qualifiée crime est commise par une personne ressortissant à la justice Française, le Tribunal s'adjoit six assesseurs tirés au sort parmi les noms portés sur la liste qui est arrêtée, chaque année, à l'avance, et dressée dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Art. 6. Le Tribunal statuant au criminel sera saisi par un Arrêt de Renvoi rendu par la Chambre d'Accusation de la

Projet de la Commission.

Tunis, à La Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu, le Consul d'État entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance, des Tribunaux de Commerce, et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux font partie du ressort de la Cour d'Alger; ils connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

Leur compétence pourra être étendue à toutes autres personnes par des Arrêtés ou des Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

Art. 3. Les Juges de Paix exercent en matière civile et pénale la compétence étendue, telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Toutefois les Juges de Paix siégeant dans une ville où il y a un Tribunal de Première Instance n'ont cette compétence étendue que pour actions personnelles et mobilières en matières civile et commerciale; pour le surplus, ils exercent la compétence ordinaire telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Art. 4. Le Tribunal de Première Instance connaît en dernier ressort des actions personnelles et mobilières jusqu'à la valeur de 3,000 fr. et des actions immobilières jusqu'à 120 fr. de revenu. En premier ressort sa compétence est illimitée.

En matière correctionnelle il statue en premier ressort sur tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

En matière criminelle il statue en dernier ressort sur tous les faits qualifiés crimes, avec l'adjonction de six assesseurs, ayant voix délibérative, tirés au sort sur une liste dressée chaque année dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Si l'accusé ou l'un des accusés est Français ou protégé Français, les assesseurs devront être tous Français.

Art. 5. Le Tribunal statuant au criminel est saisi par un Arrêt de Renvoi rendu par la Chambre des Mises en Accusation de la

Projet du Gouvernement.

Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle.

Le Tribunal et ses assesseurs délibèrent en commun et rendent leur décision dans la même forme que les Tribunaux de Police Correctionnelle. La décision est rendue en dernier ressort.

Art. 7. Le Tribunal, assisté d'assesseurs, tient ses assises tous les trois mois, aux dates fixées trois mois d'avance par Arrêté Ministériel.

Art. 8. Les appels des Jugements du Tribunal de Tunis sont portés devant la Cour d'Alger de laquelle dépendent les Tribunaux Français de la Régence.

Art. 9. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 10. Si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :—

Pour ceux qui demeurent en Algérie, en France, en Espagne, en Italie, d'un mois ;

Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée, et celui de la Mer Noire, de deux mois ;

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Conformément à ces dispositions, sera réglé le délai supplémentaire, à raison de la distance dans les cas déterminés par l'Article 37 de l'Ordonnance du 16 Avril, 1843.

Art. 11. Lorsqu'il y aura lieu à insertions légales, ces insertions seront faites dans le journal officiel du Gouvernement Tunisien.

Art. 12. Les dispositions de l'Arrêté Ministériel du 26 Novembre, 1841, contenant Règlement de la profession de défenseur en Algérie, sont applicables devant les juridictions Tunisiennes.

Cependant les personnes, à quelque nationalité qu'elles appartiennent, qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie, seront admises, dans le délai d'un mois à partir de l'établissement du Tribunal de Première Instance à Tunis, à faire une demande à l'effet de représenter les parties devant les Tribunaux Français. Ces demandes seront examinées, dans le mois suivant, par le Tribunal de Première Instance qui donnera son avis à huis clos, le Procureur de la République entendu. L'avis du Tribunal sera transmis au Ministre des Affaires Étrangères. Sur le rapport du Garde des

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Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle ; sa décision est rendue dans les mêmes formes que les jugements en matière correctionnelle.

Art. 6. Le Tribunal, assisté d'assesseurs, comme il est dit à l'Article 4, tient ses assises tous les trois mois, aux dates fixées d'avance par Arrêté Ministériel.

Art. 7. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 8. Les délais des ajournements et des appels sont réglés conformément à l'Ordonnance Royale du 16 Avril, 1843.

Toutefois, si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :—

Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée, et celui de la Mer Noire, de deux mois ;

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Art. 9. Lorsqu'il y aura lieu à insertions légales, elles devront, à peine de nullité, être faites dans l'un des journaux désignés à cet effet par Arrêté du Ministre Résident de France à Tunis.

Art. 10. Les dispositions de l'Arrêté Ministériel du 20 Novembre, 1841, sur la profession de défenseur, et les dispositions des Décrets et Arrêtés concernant l'exercice de la profession d'huissier en Algérie, sont applicables en Tunisie.

Cependant les Français et les étrangers qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie, et auront, dans le délai d'un mois à partir de cette promulgation, adressé au Ministre Résident une demande à l'effet de représenter les parties devant le Tribunal de Tunis pourront, après avis du Tribunal, donné en la Chambre du Conseil, le Procureur de la République entendu, être admis, par Décret, à titre exceptionnel, à remplir les fonctions de défenseur près ce Tribunal.

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Sceaux, les avocats en exercice ainsi présentés pourront être compris au nombre des défenseurs.

Art. 13. Le Tribunal Français à Tunis comprend : un Président, trois Juges titulaires et deux Juges suppléants.

Le nombre des Juges et substituts du Tribunal pourra, en cas de besoin, être augmenté par un Décret rendu en la forme de Règlement d'Administration Publique.

Art. 14. Il y a près du Tribunal de Tunis un Procureur de la République et un substitut.

L'un des Juges, désigné par le Ministre de la Justice, remplit les fonctions de Juge d'Instruction.

Art. 15. Un officier de police judiciaire est chargé des fonctions de Ministère Public auprès de chaque Justice de Paix.

Art. 16. Au Tribunal de Tunis et aux Tribunaux de Paix sont attachés des greffiers et des interprètes.

Art. 17. Les Décrets portant nomination et révocation des magistrats, des membres du Ministère Public, des officiers de police judiciaire, des greffiers, et des interprètes, sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

Art. 18. Les conditions d'âge et de capacité pour la nomination des magistrats, membres du Ministère Public, officiers de police judiciaire, greffiers, et interprètes, sont celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Art. 19. Les magistrats composant les Tribunaux établis en Tunisie, les greffiers, commis greffiers, et interprètes attachés à ces Tribunaux sont soumis aux Lois et Règlements qui régissent les juridictions Algériennes.

Art. 20. Des huissiers sont nommés par le Garde des Sceaux, conformément aux règles en vigueur pour le ressort d'Alger. Ces officiers exercent leurs fonctions suivant la législation en vigueur dans ce ressort.

Art. 21. Le tarif des frais de justice en matière civile et criminelle sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce tarif les tarifs en vigueur en Algérie sont applicables.

Projet de la Commission.

Art. 11. Le Tribunal de Tunis comprend : un Président, trois Juges titulaires, deux Juges suppléants, un Procureur de la République, un substitut, et un greffier.

L'un des Juges désigné par le Ministre de la Justice remplit les fonctions de Juge d'Instruction.

Le nombre des Juges et substituts pourra être augmenté et des commis greffiers pourront être institués par Décrets rendus en la forme des Règlements d'Administration Publique.

Art. 12. Les Tribunaux de Paix se composent d'un Juge de Paix, d'un ou plusieurs suppléants, et d'un greffier.

Un officier de police judiciaire remplit les fonctions de Ministère Public.

Art. 13. Des interprètes sont attachés aux Tribunaux et aux Justices de Paix.

Art. 14. Les Décrets portant nomination et révocation des magistrats, des officiers Ministériels, et des interprètes, sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

Art. 15. Les magistrats composant les Tribunaux établis en Tunisie, les greffiers, commis greffiers, et interprètes attachés à ces Tribunaux, sont soumis aux Lois et Règlements qui régissent les juridictions Algériennes.

Les conditions d'âge et de capacité pour leur nomination sont les mêmes que celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Leurs traitements sont fixés conformément à l'état annexé à la présente Loi.

Art. 16. Les fonctions de notaire continueront à être exercées dans la Régence par les Agents Consulaires Français, jusqu'à ce que le notariat y ait été organisé par un Règlement d'Administration Publique.

Art. 17. Le tarif des frais de justice, en matière civile et criminelle, sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce Règlement d'Administration Publique les Tribunaux appliqueront les tarifs en vigueur en Algérie.

Art. 18. Il est alloué aux Ministres des Affaires Étrangères et de la Justice, sur l'Exercice 1883, en addition aux crédits accordés par la Loi de Finances du 29 Décembre, 1882, des crédits extraordinaires montant à la somme de 205,885 fr.

Ces crédits demeurent répartis par Minis-

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Art. 22. Sont abrogées toutes les dispositions concernant la juridiction Consulaire et applicables dans la Régence de Tunis, en tant qu'elles sont contraires aux Articles qui précèdent.

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tères conformément à l'état annexé à la présente Loi.

Art. 19. Il sera pourvu aux crédits extraordinaires ci-dessus au moyen des ressources générales du Budget ordinaire de l'Exercice 1883.

Art. 20. Sont abrogées toutes les dispositions concernant la juridiction Consulaire, et applicables dans la Régence de Tunis en tant qu'elles sont contraires à celles qui précèdent.

Art. 21. La présente Loi sera exécutoire trois jours après son insertion dans le journal officiel du Gouvernement Tunisien.

No. 39.

Earl Granville to Mr. Reade.

(No. 5. Confidential.)
Sir,

Foreign Office, March 7, 1883.

WITH reference to your despatch No. 5 of the 23rd January, I transmit to you, for your information, a copy of a Memorandum drawn up in this Office,* showing the present position of the Sfax indemnity question, and I have to add that Her Majesty's Ambassador at Rome reports that the Italian Government have as yet come to no arrangement with the French Government as to compensation.

Two-thirds have been twice offered by the French Government, but declined by that of Italy.

I am, &c.
(Signed) GRANVILLE.

No. 40.

Sir J. Drummond Hay to Earl Granville.—(Received March 8.)

(No. 15.)
My Lord,

Tangier, March 1, 1883.

WITH reference to my despatch No. 7 of the 31st January, I have the honour to report to your Lordship that the French Secretary of Legation, M. Montfraix; the Second Secretary, M. Paléologue, and the Dragoman, Senhor Benchimol, departed yesterday for Mazagan by sea, whence they will proceed to Morocco.

M. Ordega called on me this morning, and, in the course of conversation, informed me that he had dispatched these members of his Legation to the Moorish Court to warn the Sultan that unless energetic measures are adopted against Cid Solyman and other Chiefs of Oolad Cidi Sheikh, now dwelling in the south-eastern confines of the Empire, His Majesty may expect to have a general insurrection against his authority on the part of the southern tribes, which may bring about his downfall.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 41.

Sir J. H. Drummond Hay to Earl Granville.—(Received March 14.)

(No. 16.)
My Lord,

Tangier, March 4, 1883.

WITH reference to my despatch No. 15 of the 1st instant, I have received information that the Sultan has dispatched an officer, named Cid Hamed Bagreety, to the Governors of the provinces, directing them to assemble the troops under their command,

* Memorandum, January 27.

as it is His Majesty's intention to send an expeditionary force against Cid Solyman and other Chiefs of the Oolad Cidi Sheikh.

I am further informed that the Moorish army will be directed to join the French forces who may be dispatched from Algeria against the rebel Chiefs now dwelling in the Sahara.

Though it is satisfactory to learn that the Sultan is disposed to give this proof of his sincere desire to do all in his power to quell the disturbances and razzias on the French frontier, it is a question whether the result may not lead to serious disaster, for should His Shereefian Majesty unite his forces with those of France, and act against Cid Solyman and other Chiefs, who are looked upon by the majority of the population as warriors of their faith, Mulai Hassan may lose the prestige he has hitherto enjoyed as "Caliph Allah," upon which hangs entirely the existence of this wretched and disorganized Government, and he will be in danger of losing his throne should any reverse happen to his troops.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 42.

Mr. Reade to Earl Granville.—(Received March 15.)

(No. 9.)
My Lord,

Tunis, March 3, 1883.

I HAVE the honour to inform your Lordship that, in accordance with a Decree of His Highness the Bey, dated the 25th ultimo, the military zone surrounding the Goletta forts, which has hitherto prevented the construction in their immediate vicinity of buildings exceeding a certain given elevation, has been abolished.

This measure, together with the removal of the Government offices and archives from the Bardo (which has for nearly four centuries been the seat of Government) to the Dar-el-Bey Palace in this city, and following closely upon the appointment of M. Bompard, of the French Residency, as Secretary-General of the Tunisian Government, is unfavourably viewed by the native population, and confirms their belief that French influence is now taking the shape of disguised annexation rather than that of a simple Protectorate.

I have, &c.
(Signed) THOS. F. READE.

No. 43.

Mr. Reade to Earl Granville.—(Received March 15.)

(No. 13.)
My Lord,

Tunis, March 10, 1883.

I HAVE the honour to transmit to your Lordship the inclosed copy of a Petition that has reached me from a numerous body of British subjects at Sfax, with reference to their several claims to indemnity for losses which accrued to them from the bombardment and subsequent pillage of that town.

I feel compelled to say that the continued non-settlement of this matter is causing very great hardship to British subjects in this country.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 43.

Petition addressed to Mr. Reade by British Subjects at Sfax.

M. le Consul,

Sfax, le 28 Février, 1883.

LES Soussignés, tous victimes de la révolte et du bombardement de la ville de Sfax, ont l'honneur de vous supplier de vouloir bien leur prêter votre concours, afin qu'ils obtiennent, à bref délai, le paiement des indemnités que la Commission d'Enquête leur a allouées.

Un plus long retard leur serait très préjudiciable. Aussi, ils espèrent que, considérant l'état de gêne dans lequel ils se trouvent, vous voudrez bien employer tous vos bons offices pour que cette question soit réglée le plus tôt possible.

(Suivent les signatures.)

Mr. Reade to Earl Granville.—(Received March 15.)

(No. 14.)

My Lord,

Tunis, March 10, 1883.

I HAVE the honour to report that M. Cambon, the French Minister Resident, proceeds this day to Paris, for the purpose of conferring with his Government on the schemes for reorganizing the Tunisian administration and abolishing the Capitulations.

I have, &c.

(Signed) THOS. F. READE.

Viscount Lyons to Earl Granville.—(Received March 17.)

(No. 214.)

My Lord,

Paris, March 16, 1883.

IN my despatch No. 183 of the 6th instant I had the honour to inform your Lordship that the Bill to organize French jurisdiction in Tunis had been passed on the 3rd instant by the Senate.

Yesterday the Bill was passed by the Chamber of Deputies, which agreed to all the Senate amendments, with the exception of two.

These two were rejected on a matter of Constitutional form, because they contained new financial clauses, which ought, it was held, to have originated in the Chamber of Deputies, not in the Senate.

It was understood that these financial clauses would be embodied in a separate Bill, which would be brought into the Chamber by the Government in the first instance, and then sent up to the Senate.

I have the honour to inclose the authentic account of the proceedings published in the "Journal Officiel" this morning.

I have, &c.

(Signed) LYONS.

Mr. Reade to Earl Granville.—(Received March 20.)

(No. 16.)

My Lord,

Tunis, March 14, 1883.

I HAVE the honour to report that another serious difference has arisen between the French and Italian authorities in consequence of a threat on the part of the French officer in command of the garrison at the Goletta to rearrest by force of arms an Italian subject who had been taken prisoner by French gendarmes and afterwards given up to the Italian Vice-Consul. The individual in question had, in the meanwhile, taken refuge in the Italian Vice-Consulate, where, I understand, he still remains.

On learning what had occurred, M. Raybaudi, the Italian Representative, went personally to the French Residency, protested against the menace in question, and declared he would only yield to violence. Upon this, orders were issued by the French authorities to suspend further action in the matter pending diplomatic negotiation.

I have, &c.

(Signed) THOS. F. READE.

Viscount Lyons to Earl Granville.—(Received March 21.)

(No. 218.)

My Lord,

Paris, March 20, 1883.

WITH reference to my despatch No. 214 of the 16th instant, I have the honour to inform your Lordship that on the 17th instant the Senate passed the Bill to organize French jurisdiction in Tunis, as finally sent back from the Chamber of Deputies.

On the same day a Bill embodying the financial clauses which had been struck out of it on a question of Constitutional form was brought into the Chamber of Deputies and passed, and yesterday this Bill was passed by the Senate also.

Sir J. Drummond Hay to Earl Granville.—(Received March 20.)

(No. 19.)

My Lord,

Tangier, March 14, 1883.

ON the 16th ultimo I had the honour of addressing your Lordship a despatch No. 12 on the subject of protection afforded by Diplomatic and Consular officers to Moorish subjects, and I requested that your Lordship would inform me by telegraph whether your Lordship approved of the language I held at the meeting of the foreign Representatives on the 26th January upon this subject, as I expected a further meeting would take place at the residence of Cid Mohammed Bargash about the end of last month, and that I hoped to receive your Lordship's instructions before that time.

As the Report of the Commission on Taxation, owing to the absence of one of the members, has not yet been prepared, the meeting was deferred; I therefore still hope that I shall be enabled to learn your Lordship's opinion of the language I held regarding irregular protection before it takes place, and I have the honour, therefore, to request that I may receive instructions upon this subject at your Lordship's earliest convenience.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

The two Bills are therefore ready to be promulgated as Laws by the President of the Republic.

I have, &c.
(Signed) LYONS.

No. 48.

Earl Granville to Viscount Lyons.

(No. 305.)
My Lord,

Foreign Office, March 21, 1883.

WITH reference to your Lordship's despatch No. 1156 of the 3rd November last, I transmit to you herewith copy of a despatch from Her Majesty's Representative at Tunis, inclosing copy of a Petition from a numerous body of British subjects at Sfax, pressing for an early settlement of their claims to indemnity for losses sustained through the bombardment of that town.*

I have to request your Excellency to be good enough to bring this question again to the notice of the French Government, and to point out the hardship inflicted on British subjects resident in Tunis by the continued delay in the settlement of these claims.

I am, &c.
(Signed) GRANVILLE.

No. 49.

Sir J. Drummond Hay to Earl Granville.—(Received March 22.)

(No. 20.)
My Lord,

Tangier, March 15, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 9 of the 5th instant, transmitting, for my information, copies of letters addressed to your Lordship by Mr. Lee, M.P., relative to the position of the North-West African Company at Cape Juby.

In Mr. Lee's letter of the 20th January, I observe the following paragraph: "We went there with the full knowledge of Her Majesty's late Government, who assured us that we should not be interfered with, and who obtained for us an acknowledgment from the Sultan of Morocco to the effect that he did not lay claim to the territory upon which we had established ourselves." I know not on what grounds Mr. Lee makes this assertion as on reference to past communications, verbal and written, with the Sultan and his Ministers, copies of which have been transmitted to Her Majesty's Government, no record will be found that the Sultan ever acknowledged that he did not lay claim to Cape Juby and the surrounding country, but, on the contrary, that His Majesty had unceasingly asserted that the said district was within his dominions.

In the sixth paragraph Mr. Lee says that "a Treaty was made with the acknowledged Chief, Sheikh Bairook, and has been faithfully carried out by him and by the Sheikhs of the seven tribes inhabiting the surrounding country." This Bairook and the other Sheikhs gave in their submission to the Sultan on his late expedition to the Soos, and declared that they were ready to obey His Majesty's orders.

So long as the Sultan does not carry into execution his intention of opening a port near Wad Noon or Wad Draa, the North-West African Company may continue to be unmolested by the tribes in their commercial operations, but the day that the Sultan sends officers to open a port, and issues orders to Bairook and other Sheikhs, as he intends to do, to stop all traffic from his dominions with Cape Juby, and authorizes the tribes to seize such merchandize as contraband, the Company will find that the Treaty with the rebel Sheikh Bairook will be set aside, or even disowned by that wily Chief.

With regard to the following passage in the tenth paragraph: "A Spanish force being about to take possession of Santa Cruz del Mar Pequeña, situated about 35 miles to the north of Cape Juby, the Company will be exposed to constant annoyance and danger, unless it be recognized by Her Majesty's Government." Mr. Lee is perfectly correct in his surmise, but I do not comprehend how he can expect that Her Majesty's Government can interfere to prevent the Sultan of Morocco and the Spanish Government from carrying into execution the Treaty stipulation for the cession of Santa Cruz la Pequeña. Opposition on the part of the British Government to the project would, I think, rather

lead the Spanish Government to insist on the execution of their Treaty rights, even though they may be hesitating at the present time, on account of the heavy expense and risk they will have to incur, without any expectation of realizing the slightest benefit from such an establishment.

Had not Mr. Mackenzie taken possession of Cape Juby, I am inclined to believe that the Spanish Government would never have insisted on the cession of Santa Cruz la Pequeña.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 50.

Mr. West to Earl Granville.—(Received March 27.)

(No. 68.)

My Lord,

Washington, March 9, 1883.

I HAVE the honour to report that the Resolution respecting the administration of justice in Tunis, which I informed your Lordship in my despatch No. 448 of the 22nd December last had passed the House of Representatives, has failed to become law.

It was passed by the Senate with an amendment, and returned to the House of Representatives, who took no final action in the matter.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 51.

Viscount Lyons to Earl Granville.—(Received March 28.)

(No. 229.)

My Lord,

Paris, March 27, 1883.

I HAVE this morning had the honour to receive your Lordship's despatch No. 305 of the 21st instant, directing me again to bring the question of the Sfax claims to the notice of the French Government.

I inclose a copy of a note which I have, in consequence, addressed to the French Minister for Foreign Affairs.

I have, &c.
(Signed) LYONS.

Inclosure in No. 51.

Viscount Lyons to M. Challemel-Lacour.

M. le Ministre,

Paris, March 27, 1883.

WITH reference to the notes addressed to your Excellency's predecessor, M. Duclerc, by Mr. Plunkett on the 30th September last, and by me on the 3rd November last, I have the honour, in obedience to instructions which I have received from Her Majesty's Government, again to ask the attention of the French Government to the claims of British subjects to indemnity for losses sustained through the military operations against Sfax.

Her Majesty's Government have directed me to recommend earnestly to the consideration of the French Government the hardship inflicted upon British subjects resident in Tunis by the continued delay in the settlement of these claims.

I have, &c.
(Signed) LYONS.

No. 52.

Viscount Lyons to Earl Granville.—(Received March 31.)

(No. 232.)

My Lord,

Paris, March 28, 1883.

WITH reference to my despatch No. 218 of the 20th instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this

No. 49*.

Earl Granville to Sir J. Drummond Hay.

(No. 11.)

Sir,

Foreign Office, March 26, 1883.

I HAVE received your despatch No. 12 of the 16th ultimo, upon the subject of the interpretation to be given to the Articles of the Madrid Convention for regulating the question of the protection given to Moorish subjects by foreign Diplomatic and Consular officers in Morocco, in which you report the language which you held at a meeting of the foreign Representatives convened to consider a communication from Cid Mohammed Bargash, and inquire whether Her Majesty's Government will authorize you to withdraw from the reservation made by you at a similar meeting last year, and sanction your erasing from your list of British-protected Moorish subjects the persons objected to by the Moorish Government.

In reply, I have to state to you that the language held by you on the occasion in question is approved by Her Majesty's Government, but that so long as the Italian or any other Governments insist upon extending foreign protection beyond the limits laid down in the Madrid Convention, and are suffered to do so by the Sultan, Her Majesty's Government are not disposed to debar themselves from claiming similar benefits in all cases where the interests of British subjects may be involved.

Subject to the above reservation, Her Majesty's Government have no objection to your following the course you propose, namely, to remove from the list of persons enjoying British protection the names of native agents of British merchants not engaged in the wholesale trade, and to refuse British protection to native sub-agents, that is to say, to the native agents of interpreters and others properly enjoying such protection under the Madrid Convention.

You are therefore authorized to make, at the next meeting of foreign Representatives, a declaration to that effect, provided that the other Powers, who agree with Her Majesty's Government in the interpretation to be given to the Articles of the Madrid Convention, are willing to follow a similar course.

I have to add that the question under discussion is a delicate one, requiring careful consideration, and I have consequently been unable to comply with your request for telegraphic instructions.

I am, &c.
(Signed) GRANVILLE.

day, the promulgation by the President of the Republic of the Law to organize French jurisdiction in Tunis, and of the Law granting 220,000 fr. (8,800l.) for the consequent expenses.

I inclose also Decrees appointing French judicial officers in Tunis.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 52.

Extract from the "Journal Officiel" of March 28, 1883.

Loi portant Organisation de la Juridiction Française en Tunisie.

LE Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis ; les Justices de Paix ont leur siège à Tunis, à la Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu le Conseil d'Etat entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux font partie du ressort de la Cour d'Alger. Ils connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits ou crimes.

Leur compétence pourra être étendue à toutes autres personnes par des Arrêtés ou des Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

Art. 3. Les Juges de Paix exercent en matière civile et pénale la compétence étendue telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Toutefois, les Juges de Paix siégeant dans une ville où il y a un Tribunal de Première Instance n'ont cette compétence étendue que pour les actions personnelles et mobilières en matière civile et commerciale ; pour le surplus, ils exercent la compétence ordinaire telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Art. 4. Le Tribunal de Première Instance connaît en dernier ressort des actions personnelles et mobilières jusqu'à la valeur de 3,000 fr. et des actions immobilières jusqu'à 120 fr. de revenu. En premier ressort sa compétence est illimitée.

En matière correctionnelle il statue en premier ressort sur tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

En matière criminelle il statue en dernier ressort sur tous les faits qualifiés crimes, avec l'adjonction de six assesseurs ayant voix délibérative, tirés au sort sur une liste dressée chaque année dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Si l'accusé ou l'un des accusés est Français ou protégé Français, les assesseurs devront être tous Français.

Art. 5. Le Tribunal statuant au criminel est saisi par un Arrêt de Renvoi rendu par la Chambre des Mises en Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle ; sa décision est rendue dans les mêmes formes que les Jugements en matière correctionnelle.

Art. 6. Le Tribunal assisté d'assesseurs, comme il est dit à l'Article 4, tient ses assises tous les trois mois, aux dates fixées d'avance par Arrêté Ministériel.

Art. 7. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 8. Les délais des ajournements et des appels sont réglés conformément à l'Ordonnance Royale du 16 Avril, 1843.

Toutefois, si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :

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Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée et celui de la Mer Noire, de deux mois ;

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Art. 9. Lorsqu'il y aura lieu à insertions légales, elles devront, à peine de nullité, être faites dans l'un des journaux désignés à cet effet par Arrêté du Ministre Résident de France à Tunis.

Art. 10. Les dispositions de l'Arrêté Ministériel du 26 Novembre, 1841, sur la profession de défenseur, et les dispositions des Décrets et Arrêtés concernant l'exercice de la profession d'huissier en Algérie sont applicables en Tunisie.

Cependant les Français et les étrangers qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie, et auront, dans le délai d'un mois à partir de cette promulgation, adressé au Ministre Résident une demande à l'effet de représenter les parties devant le Tribunal de Tunis pourront, après avis du Tribunal, donné en la Chambre du Conseil, le Procureur de la République entendu, être admis par Décret, à titre exceptionnel, à remplir les fonctions de défenseur près ce Tribunal.

Art. 11. Le Tribunal de Tunis comprend : un Président, trois Juges titulaires, deux Juges suppléants, un Procureur de la République, un substitut et un greffier.

L'un des Juges désigné par le Ministre de la Justice remplit les fonctions de Juge d'Instruction.

Le nombre des Juges et substituts pourra être augmenté, et des commis greffiers pourront être institués par Décrets rendus en la forme des Règlements d'Administration Publique.

Art. 12. Les Tribunaux de Paix se composent d'un Juge de Paix, d'un ou plusieurs suppléants et d'un greffier.

Un officier de police judiciaire remplit les fonctions de Ministère Public.

Art. 13. Des interprètes sont attachés aux Tribunaux et Justices de Paix.

Art. 14. Les Décrets portant nomination et révocation des magistrats, des officiers ministériels et des interprètes sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

Art. 15. Les magistrats composant les Tribunaux établis en Tunisie, les greffiers, commis greffiers et interprètes attachés à ces Tribunaux sont soumis aux lois et règlements qui régissent les juridictions Algériennes.

Les conditions d'âge et de capacité pour leur nomination sont les mêmes que celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Leurs traitements sont fixés conformément au Tableau annexé à la présente Loi.

Art. 16. Les fonctions de notaire continueront à être exercées dans la Régence par les Agents Consulaires Français, jusqu'à ce que le notariat y ait été organisé par un Règlement d'Administration Publique.

Art. 17. Le tarif des frais de justice, en matière civile et criminelle, sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce Règlement d'Administration Publique, les Tribunaux appliqueront les tarifs en vigueur en Algérie.

Art. 18. Sont abrogées toutes les dispositions concernant la juridiction Consulaire, et applicables dans la Régence de Tunis, en tant qu'elles sont contraires à celles qui précèdent.

Art. 19. La présente Loi sera exécutoire trois jours après son insertion dans le "Journal Officiel" du Gouvernement Tunisien.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Affaires Étrangères,
(Signé) CHALLEMEL-LACOUR.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

TABLEAU Législatif annexé à la Loi portant organisation de la Juridiction Française en Tunisie, fixant le Traitement des Magistrats et du Personnel de la Justice Française en Tunisie.

TRIBUNAL DE TUNIS.							Fr.
Président	..	..	..	..	..	..	12,000
Juge d'Instruction	..	..	..	..	..	..	8,800
Juge ..	..	..	..	..	..	..	8,000
Juge Suppléant	..	..	..	..	..	..	2,400
Procureur de la République	..	..	..	..	..	..	12,000
Substitut	..	..	..	..	..	..	8,000
Greffier	..	..	..	..	..	..	4,000
Commis Greffier	..	..	..	..	..	..	3,000
Interprète	..	..	..	..	..	..	3,400
JUSTICES DE PAIX.							
Juge de Paix	..	..	..	..	..	..	5,000
Greffier	..	..	..	..	..	..	3,500
Interprète	..	..	..	..	..	..	3,000
Officier de Police Judiciaire	..	..	..	..	..	..	3,500

Vu pour être annexé à la Loi du 27 Mars, 1883, délibérée et adoptée par le Sénat et par la Chambre des Députés.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Affaires Étrangères,
(Signé) CHALLEMEL-LACOUR.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

Loi portant Ouverture, sur l'Exercice 1883, de Crédits Extraordinaires montant à 220,000 frs., pour l'organisation de la Juridiction Française en Tunisie.

Le Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article 1^{er}. Il est ouvert aux Ministres, au titre du Budget Ordinaire de l'Exercice 1883, en addition aux crédits accordés par la Loi de Finances du 29 Décembre, 1882, des crédits extraordinaires montant à la somme de 220,000 fr.

Ces crédits demeurent répartis par Ministères et par chapitres, conformément au Tableau annexé à la présente Loi.

Art. 2. Il sera pourvu aux crédits extraordinaires ci-dessus au moyen des ressources générales du Budget Ordinaire de l'Exercice 1883.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Finances,
(Signé) P. TIRARD.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

Le Ministre des Affaires Étrangères,
(Signé) P. CHALLEMEL-LACOUR.

TABLEAU, par Ministères et par Chapitres, des Crédits Extraordinaires accordés sur l'Exercice 1883.

Chapitres Spéciaux.	Ministères et Services.	Montant des Crédits Extraordinaires accordés.	
		Par Chapitres.	Par Ministères.
	MINISTÈRE DE LA JUSTICE ET DES CULTES.	Fr.	Fr.
	1 ^{re} Section.—Service de la Justice.		
20	Personnel de la Justice Française en Tunisie ..	135,000	135,000
	MINISTÈRE DES AFFAIRES ÉTRANGÈRES.		
17	Dépenses du matériel de la Justice Française en Tunisie	85,000	85,000
	Totaux	220,000	220,000

Vu pour être annexé à la Loi du 27 Mars, 1883, délibérée et adoptée par le Sénat et par la Chambre des Députés.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Finances,

(Signé) P. TIRARD.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,

(Signé) F. MARTIN-FEUILLEE.

Le Ministre des Affaires Étrangères,

(Signé) P. CHALLEMEL-LACOUR.

Inclosure 2 in No. 52.

Extract from the "Journal Officiel" of March 28, 1883.

LE Président de la République Française,

Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,

Décrète :

Article 1^{er}. Sont nommés :

Président du Tribunal de Première Instance de Tunis, M. Pontois, Conseiller à la Cour d'Appel de Bourges, Ancien Conseiller à la Cour d'Appel d'Alger.

Procureur de la République près le Tribunal de Première Instance de Tunis, M. Bœrner, Avocat Général près la Cour d'Appel d'Alger.

Juge au Tribunal de Première Instance de Tunis, M. Ronnot, Président du Siège de Philippeville (Algérie).

Juge au Tribunal de Première Instance de Tunis, M. Fermé, Président du Siège de Sidibel-Abbès (Algérie).

Juge au Tribunal de Première Instance de Tunis, M. Montanari-Revest, Avocat à Toulon, Ancien Bâtonnier de l'Ordre.

Substitut du Procureur de la République près le Tribunal de Première Instance de Tunis, M. Masson, Procureur de la République près le Siège de Guelma (Algérie).

Juge suppléant au Tribunal de Première Instance de Tunis, M. Camus, Juge de Paix de l'Oued Zénati (Algérie).

Juge suppléant au Tribunal de Première Instance de Tunis, M. Maisonnave, Avocat, Docteur en Droit.

Art. 2. M. Montanari-Revest, nommé par le présent Décret Juge au Tribunal de Première Instance de Tunis, remplira, au même siège, les fonctions de Juge d'Instruction.

Art. 3. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :
Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLEE.

Le Président de la République Française,
Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,

Décrète :

Article 1^{er}. Sont nommés :

Juge de Paix à Tunis, M. Brulfer, Juge au Tribunal de Première Instance d'Orléansville (Algérie).

Juge de Paix à la Goulette (Tunisie), M. Caussat, Juge au Tribunal de Première Instance d'Orléansville (Algérie).

Juge de Paix à Bizerte (Tunisie), M. Lespès, Juge de Paix à Blida (Algérie).

Juge de Paix à Sousse (Tunisie), M. Pillault, Juge au Tribunal de Première Instance de Tlemcen (Algérie).

Juge de Paix à Sfax (Tunisie), M. de la Bigne de Villeneuve, Juge de Paix à Bou-Saâda (Algérie).

Juge de Paix au Kef (Tunisie), M. Ricklin, Juge du Paix au Djurdjura (Algérie).

Art. 2. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :
Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLEE.

No. 53.

Mr. Reade to Earl Granville.—(Received April 4.)

(No. 18.)

My Lord,

Tunis, March 29, 1883.

I HAVE the honour to report the public announcement of the appointment of several French judicial officers who are to be in future intrusted with the administration of justice over French subjects in this country. It is generally understood that the jurisdiction of the new Courts will be gradually extended by Beylical Decree to the native population, and then, if possible, to the European colonists.

I venture, in the face of these contingencies, to call attention to the fact that a very considerable amount of real property is held in this country by British subjects, all of which was purchased in conformity with the local law, and is held subject to the burdens and advantages of that law, and this, too, in accordance with the terms of the Anglo-Tunisian Convention of 1863.

The sudden application of the French Codes to cases in which the transfer or possession of real property is concerned would, I believe, cause endless confusion and misunderstanding, as the local law has, until very recently, been universally accepted and acted upon.

I regret to say that a disposition is evinced (by the existing French Consular Tribunal) to avoid all consideration of the *lex loci* in its decisions as to cases affecting real property. An instance of this lately occurred, in which a grave failure of justice has, in my opinion, been occasioned. In the case of Benayad (a British-protected subject) *versus* Mustapha Ben Ismail (the Tunisian ex-Minister), which was tried by the French Consul and Judge, it was held that a vendor is not bound to put the vendee in possession of the property sold, although the Tunisian Judges gave a written opinion that such a formality was absolutely necessary. A great loss was thus entailed on the plaintiff, who had purchased according to the Moslem law. I merely give this as an instance of what is

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now happening, in order to show the possibility of further difficulties arising, and to illustrate the importance of a full consideration of the subject.

I have, &c.
(Signed) THOS. F. READE.

No. 54.

Mr. Reade to Earl Granville.—(Received April 4, 8 A.M.)

(No. 3.)
(Telegraphic.)

Tunis, April 4, 1883, 1.34 A.M.

M. LESSEPS telegraphed thus to Tunis to-day:—

"The Mission of Engineers at Biskra has ascertained the easy execution of the Inland Sea, as well as its remunerativeness with the proposed Concession, without subvention or guarantee."

No. 55.

Messrs. Perry, Bury, and Co. to Earl Granville.—(Received April 5.)

My Lord,

Liverpool, April 4, 1883.

WE see it stated in the public prints that the French Government are reported to have agreed to pay the Italian claims arising out of the bombardment of Sfax.

We shall esteem it a favour if your Lordship can give us any information as to when our own claims, of a similar nature, against the French Government, are likely to be settled.

We are, &c.
(Signed) PERRY, BURY, AND CO.

No. 56.

Viscount Lyons to Earl Granville.—(Received April 9.)

(No. 250.)

My Lord,

Paris, April 7, 1883.

WITH reference to my despatch No. 229 of the 27th ultimo, I have the honour to transmit to your Lordship a copy of a note, dated the 3rd instant, which I received last evening from the French Minister for Foreign Affairs, and which states that the Bey of Tunis has made arrangements for paying the Sfax indemnities very soon, and that His Highness has decided that the sums fixed by the Commission shall eventually be paid in full.

I have, &c.
(Signed) LYONS.

Inclosure in No. 56.

M. Challe-mel-Lacour to Viscount Lyons.

M. l'Ambassadeur,

Paris, le 3 Avril, 1883.

VOTRE Excellence a appelé, à diverses reprises, l'attention du Gouvernement de la République sur les dommages occasionnés à des sujets Britanniques par le siège de Sfax, et signalé le préjudice que cause à ces derniers le retard apporté au versement des dédommagements qu'ils sollicitaient.

J'ai la satisfaction de vous annoncer que le Gouvernement du Bey, ayant encaissé récemment une part de la contribution de guerre imposée aux Sfaxiens, a pris les dispositions nécessaires pour que la distribution en fût effectuée très prochainement entre les victimes des opérations militaires. J'ajoute que Son Altesse le Bey a bien voulu décider que les sommes fixées par la Commission Internationale d'Enquête réunie en 1881, seraient versées intégralement aux mains des intéressés, au fur et à mesure des recouvrements.

Agréez, &c.
(Signé) V. CHALLEMEL-LACOUR.

No. 57.

Sir J. Pouncefote to Messrs. Perry, Bury, and Co.

Gentlemen,

Foreign Office, April 9, 1883.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 4th instant, and to inform you, in reply, that Her Majesty's Government have reason to believe that the Italian Government have not yet come to any agreement with that of France of the nature alluded to in your letter as having appeared in the newspapers, and I am to add that Her Majesty's Ambassador in Paris has been recently instructed to point out to the French Government the hardship inflicted on British subjects in Tunis by the continued delay in the settlement of the claims for indemnity arising out of the bombardment of Sfax.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 58.

Sir J. Drummond Hay to Earl Granville.—(Received April 11.)

(No. 24. Confidential.)

My Lord,

Tangier, March 31, 1883.

WITH reference to the despatches marked in the margin* respecting the information I had received regarding the Algerian Chiefs of Oolad Cidi Sheikh dwelling in the south-eastern confines of Morocco, I have the honour to inform your Lordship that M. Ordega has mentioned to me in the course of conversation, that it is not the intention of the French Government to send an expedition against these Chiefs, nor to require that the Sultan should dispatch an armed force against them. He said that 20,000 French troops guarded the frontier, and had succeeded in preventing "razzias" on the French territory, and that latterly these Chiefs had confined their depredations and aggressions to tribes subject to the Sultan.

M. Ordega showed me an article in the journal "La France" of the 18th instant, from which I copy the following passage:—

"Nous apprenons avec regret que la nomination de M. Férand comme Ministre Plénipotentiaire au Maroc ne se confirme pas.

"Au moment où l'Espagne et surtout l'Angleterre cherchent à nous causer des embarras dans le Nord d'Afrique, il est nécessaire de démêler les intrigues sourdes, les efforts malveillants; une bonne diplomatie, sans complications ni expéditions, saura rétablir nos avantages, en remettant à leur place des rivaux indiscrets."

M. Ordega said that he believed that the person who had written that article was M. Férand, the French Consul-General at Tripoli, who aspired to replace him, should he (M. Ordega) be moved to another Legation, but that he hoped M. Férand would not be appointed to the post as he was a "faiseur d'embarras."

I replied that with regard to the accusation that the Agents of England were intriguing in Morocco to embarrass French policy, it was only a repetition of the foolish outcry which, ever since the occupation of Algeria, has been raised by journalists or others, who could not or would not understand the straightforward, honourable policy pursued by the British Government; that, setting aside the importance attached to the maintenance of an alliance upon which depended the peace of the world, it ought to be clear to an unprejudiced politician that, as the British Government desires to uphold the integrity of Morocco, on account of its being a neutral State bordering on the Straits of Gibraltar, the channel of commerce to the Mediterranean and to India, and as Morocco is defenceless against the naval and military forces of France, the British Agent who covertly encouraged the Sultan or his Ministers to act in an unfriendly manner towards France, would be pursuing a policy which might eventually bring about the question of the very existence of Morocco, which it was the interest and earnest desire of the British Government to avoid; that, as I have repeatedly told him, I had never ceased to counsel the Sultan to do all in his power to meet the reasonable wishes of the French Government.

As to the conduct of the Spanish Government and its Agents, I observed that I could not suppose that they would, for the same reasons, pursue a policy which might eventually bring about a French invasion of this country.

* Nos. 22, 40, and 41.

M. Ordega informed me that he daily expected the return of the Secretary of Legation, M. Montfrais, from the Moorish Court, and that he had reason to know the Sultan had taken in good part the counsels which had been offered, and was prepared to act in conformity with the wishes he (M. Ordega) had expressed in a Memorandum which M. Montfrais had been directed to present to His Majesty. Under the circumstances, M. Ordega went on to say, he hoped soon to hear that Cid Solymán and the other Chiefs would be delivered up and would be removed, like Abdel Kader, to some distant place, where they would cease to give trouble.*

M. Ordega said that emissaries had been sent by him to the tribe of Oolad Cidi Sheikh. I replied that I shall be very glad to learn that his hopes had been verified, and this harassing question been got rid of.

I acquainted M. Ordega that I had received tidings from the Court that Mulai Ahmed Bagreetsy, who had been directed to assemble a force to join any French expedition which might be sent against the Chiefs of Oolad Cidi Sheikh, had been recalled.†

M. Ordega observed that the Sultan is acting with good faith, and desires to meet his wishes, but that he would not conceal from me his opinion that the authority of the Sultan was crumbling away, and that such a wretched state of affairs as existed in this country would not long be tolerated. "We should be glad," he added, "if you or some other civilized Power would take possession of the country, and we should thus have to deal with neighbours on whom we could rely; if not, the day will come when we shall be compelled by force of circumstances to take possession of Morocco." "Spain," he went on to say, "does not consider that the time has yet arrived when her ambitious aspirations on this side of the Straits can be carried into execution, though the Spanish Government would resent any attempt of another foreign Power to occupy the African coast of the Straits."

To this latter remark I responded that Spain, in such an eventuality, would not be the only Power opposed to the occupation of the African coast of the Straits.

M. Ordega observed that France had no desire to take possession of Morocco, and that his Government had repeatedly made this declaration in the most formal manner, but that, as it was his habit to be outspoken, he would not conceal from me that he had frequently urged his Government to take possession of Figuig, for it had been chiefly from that point that the aggressions of the Moorish tribes on Algeria had been fomented and made. It was an indentation on their frontier which, he said, must be rectified, and sooner or later it would be done; though he admitted that the French Government had refused in a very decided and pointed manner to entertain his project.

M. Ordega continued that he did not think any vital British interest could be affected by France holding Figuig, and therefore he did not suppose the British Government or its Representative would oppose the occupation of that small district, where the Sultan's authority was of a doubtful character.

I replied that I concluded the importance he attached to Figuig was to be attributed chiefly to its being on the route of one of the projected lines of railway to Timbuctoo; that there certainly was no direct British interest attached to Figuig, whether it was in possession of France or Morocco, but that was not the question. The fact of France obtaining possession by a pecuniary arrangement, or by other means, of a portion of the Sultan's territory, would raise at once the question of the integrity of the Empire, and open a door to other Powers seeking like concessions on the coast or elsewhere.

I remarked that he had, with considerable reason, stated his opinion that the country was falling to ruin, owing to the misgovernment and unpopularity of the Sultan. This expected dissolution, I added, would be hastened by any cession of territory, for it would be regarded by every Mohammedan as an act of submission to the will of the Christian by His Majesty, who styles himself "Caliph Allah" or God's Vicar. The Sultan's prestige as their spiritual Sovereign would be utterly shaken, and that might lead also to the loss of his temporal authority.

M. Ordega is very communicative, even, I think, to indiscretion, when he gets excited in conversation, but I have deemed it right to place your Lordship in possession of all that passed between us, for I think the views and intentions of French politicians, as regards this country, are foreshadowed, even if what M. Ordega says is correct, that the French Government have declined to entertain for the present his schemes for rectifying the French frontier.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* I infer from what M. Ordega said, and from rumours I have heard, that large sums of money have been distributed among the tribes to bribe them to deliver Cid Solymán dead or alive.—J. H. D. H.
† See No. 41.

No. 59.

Sir J. Drummond Hay to Earl Granville.—(Received April 12.)

(No. 25.)

My Lord,

Tangier, April 4, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 11 of the 26th ultimo, informing me that Her Majesty's Government approve the language I had held at a meeting of the foreign Representatives on the subject of the interpretation to be given to the Articles of the Madrid Convention for regulating the question of the protection given to Moorish subjects by foreign Diplomatic and Consular officers in Morocco, but that so long as the Italian or any other Governments insist upon extending foreign protection beyond the limits laid down in the Madrid Convention, and are suffered to do so by the Sultan, Her Majesty's Government are not disposed to debar themselves from claiming similar benefits in all cases where the interests of British subjects may be involved, and your Lordship authorizes me to hold this language at the next meeting of foreign Representatives.

I shall be careful to attend to your Lordship's instructions.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 60.

Sir J. Drummond Hay to Earl Granville.—(Received April 12.)

(No. 26.)

My Lord,

Tangier, April 4, 1883.

I HAVE the honour to transmit the translation of a letter addressed to me by the Vizir informing me that the British subject, Mr. Curtis, had visited the tribe of Ait Ba Amran,* and that a British vessel had anchored off that coast, with which Mr. Curtis was in communication, and had landed goods and disposed of them to the natives in contravention of the laws of Morocco.

The Vizir informs me that orders have been given to arrest Mr. Curtis, and to cause him to be delivered to the Governor at Mogador, and that the Chiefs of the tribe had been ordered to do all in their power to prevent any personal injury being inflicted on him.

The Vizir protests against this infraction of their fiscal laws, and declares that should any loss of life or property be incurred by British subjects landing or trading on that coast without authority, the responsibility will rest solely on them, and not upon the Moorish Government.

I inclose extracts from a letter addressed to me by Her Majesty's Consul at Mogador confirming the tidings regarding Curtis' proceedings. It is believed that the latter has since that date embarked in a steamer.

I further transmit a translation of my reply to the Vizir. It will be observed that I pointed out that so long as the Sultan does not fulfil his promise to the inhabitants of Soos to open a port or ports, where they can trade, adventurers will continue to send goods to that coast, and the inhabitants to receive them.

I am assured by Cid Mohammed Bargash that the Sultan will ultimately open one or two ports, but that the greatest difficulty is experienced in finding a site where vessels can communicate in safety with the shore, and where an adequate supply of water is to be found.

Cid Mohammed Bargash informed me that it was his intention to address me a letter stating that Curtis or other British subject, who may have committed an infraction of the fiscal laws by landing goods on the coast where there are no custom-houses, will be prosecuted for smuggling, as laid down in Article XIII of the Convention of Commerce between Great Britain and Morocco in 1856, should they return to Mogador or other Moorish ports, where a Consul resides.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* Situated to the north of Wadnoon, and within the acknowledged dominions of the Sultan.—J. H. D. H.
[321] N

Inclosure 1 in No. 60.

Ben Alarby Moktar to Sir J. Drummond Hay.

(Translation.)

(After compliments.)

12 Joumad I, 1300 (March 22, 1883).

THE *Chargé d'Affaires* in your absence wrote to us on the 25th Dulkaadats, 1299, that the merchant James Curtis had departed secretly from Mogador with Ahmed Esebey El Boo Amry, and had gone to Soos, and that he (Mr. White) did not approve of the conduct of this merchant, as he had proceeded to the said district without the knowledge or consent of the local authorities or of the Government, contrary to the established regulation. Subsequently, you our friend also wrote to us on the 27th Moharram, 1300, that you had been informed that certain British subjects, merchants of Mogador, had entered into partnership with a Company styling itself the "North African and Soos Company," and had published in the newspapers that they had entered into an agreement with some of the Sheiks of Wadnoon to carry on a trade with the tribes of that district without the payment of duties, and that you had written to your Consul at Mogador to direct that he should inform the merchants of your nation that Wadnoon is within the Sultan's dominions, and that any one carrying on a trade there without the sanction of the Government would be committing an infraction of the laws, and, therefore, should any injury occur to them in that district you would not listen to their appeals. You sent us a translation of your letter on this subject. His Shereeffian Majesty had supposed that this warning would have sufficed to stop the proceedings of Curtis and others, together with the previous warning of the *Chargé d'Affaires*.

Some Chiefs of the tribes of Ait Bu Amran have written to the Shereeffian Court under date of the 8th Jonmad the 1st (18th March), that the aforesaid merchant (Curtis) had brought a ship to the coast of this country loaded with rice and barley and other articles, and that he had put himself in communication with disorderly persons of that tribe, and had sold them grain and articles on credit. They mention, also, that the disorderly persons who were trading with Curtis are persons without any means or money, who are capable of taking unlawfully or seizing property which even belongs to members of their tribes, and how much the more that of foreigners. The Chiefs of Ait Bu Amran have declared that they eschew any responsibility for whatever mishap may befall him (Curtis) or others who are with him. His Shereeffian Majesty replied that they (the Chiefs) should make arrangements and punish these evil-doers who were in communication with Curtis, but at the same time to do all in their power to secure his personal safety, but to arrest him and to deliver him up to their Governor, who was to make him over to the Governor of Agadir, and that the latter send him on to Mogador, and His Shereeffian Majesty has ordered us to make this known to you, and to point out that this merchant has committed an infraction of the law, and also of the regulations of the Government on account of his having proceeded to these districts without authority, and for having entered into smuggling transactions with the people; and to request that measures be adopted to check such proceedings.

We have to declare that if he does not desist and remains there, should any disaster befall him, upon his head alone will rest the responsibility, and not upon the Government.

With regard to whatever he may have sold in these districts it is also upon his responsibility, and none whatever upon any one else or upon the Government, who will not admit of any claim that may be put forward for loss, &c.

Finished 12 Joumad Ist, year 1300.

(Signed)

MOH^d. BEN ALARBY MOKTAR.

Inclosure 2 in No. 60.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, March 27, 1883.

REFERRING to my letters of the 11th and 16th instant, on the subject of the English steamer at or near Esbouya in Ait Bu Amran, I have now to give the substance of such further reports as have reached me, all, I may say, unofficial and indirect.

On the 19th, I heard that goods from the steamer had been landed near the sanctuaries of Sidi Wagag and Sidi Warzag—the latter was often referred to by the Sheikh from that neighbourhood who went down with Mr. Curtis.

On the 21st instant Achan Ben Hammo informed me that a letter had come from Ait Bu Amran from a Jewish Hazzan, a friend of the Imperial and Royal Austrian Consular Agent here, that the English steamer at Esbouya had landed 8,000 bags barley

and rice, and they were selling rice at 2½ dollars per cwt., and barley at an equally low price for cash; and the people of Ait Bu Amran did not approve, but "Arabs from the South" said they had nothing to do with the Sultan, and if it were the will of Allah that Christians should have that place, so be it. Further, that a big man came from the steamer, and the Chiefs asked him if they (the steamer people) had any order from the Sultan, and he, Mr. Curtis interpreting, said, "This place (? Esbouya) belongs to the English, there is no question about it. The Sultan ceded it to us long ago, but the document by which it was ceded remains hidden for the present."

I heard from another source that the people of Bu Amran said the Sultan had promised them a port, and they were to choose the site, so they need not ask him; also, that a Spanish gun-boat was down there watching the English operations.

Other rumours say that the steamer has left the coast, having landed part of her cargo, and taken Mr. Curtis and a local Sheikh on board; also that a portion of the goods landed had already been stolen.

Inclosure 3 in No. 60.

Sir J. Drummond Hay to the Vizier.

(Translation.)

(After compliments.)

23 Joumad I, 1300 (April 2, 1883).

I HAVE received your letter of the 12th Joumad I, informing me that the tribes of Ait Bu Amran had written to the Shereeffian Court under date of the 8th Joumad I, reporting that the British subject Curtis had brought a ship to that coast and had landed various goods, and had disposed of them to "disorderly persons" of that tribe. You refer to the letters addressed to you by Mr. White during my absence, and by myself at a later date, regarding Mr. Curtis and other British subjects who have attempted to carry on a trade with the inhabitants of Soos in contravention of the laws of Morocco, and that we had both expressed our disapproval of such irregular proceedings. You inform me that the tribe of Ait Bu Amran have been directed to arrest Mr. Curtis, but to do all in their power to prevent his being injured and to deliver him up to the Governors of Ait Bu Amran and Agadir, and that they should send him to the Governor of Mogador. In conclusion you declare that, should Curtis remain in Soos and any disaster befall him, or any loss of property belonging to him occur, the responsibility will rest solely upon his head and not upon the Moorish Government, and no claim for any loss he may sustain will be admitted.

In reply, I have to repeat that Mr. Curtis has been frequently warned by Her Majesty's Consular officers, and, therefore, the responsibility of his acts rests, as you say, solely upon him. I learn, however, with satisfaction that the Chiefs of Ait Bu Amran have been directed to do all in their power to prevent his person being injured when the Sultan's orders are carried into execution.

I take this opportunity of repeating that which has been pointed out to you in previous communications, that so long as the Sultan delays carrying out his intention of opening a port or ports on the Soos coast, merchants will continue to attempt to open a direct trade with the natives; and the latter, being dissatisfied that the promises of the Sultan to facilitate their trading transactions by opening a port, where they can sell their produce and purchase European goods, has not been fulfilled, will continue to receive and even to encourage the visit of Europeans for the purposes of trade. It is to be regretted that the Sultan's authority appears to be disregarded. Were his orders attended to by the Governor he had appointed on his late visit to Soos, the population of Ait Bu Amran would never have permitted Curtis or others to remain there. The information you given me has been confirmed by the British Consul of Mogador.

I shall communicate a translation of your letter to Her Majesty's Government.

(Signed)

J. H. DRUMMOND HAY.

No. 61.

Sir J. Drummond Hay to Earl Granville.—(Received April 14.)

(No. 27.)

My Lord,

Tangier, April 5, 1883.

WITH reference to my despatch No. 26 of yesterday's date, I have the honour to inform your Lordship that M. Ordega has read to me a despatch he had just received from the French Consul at Mogador, reporting the proceedings of Mr. Curtis, and that he

had embarked from the coast of Soos on board an English steamer bound to London, accompanied by a son of one of the Chiefs, who, it is supposed, is commissioned to give an assurance to the North African Company that they will be permitted to form a trading settlement on any site on the Soos coast that they think will be adapted for that purpose.

The French Consul mentioned in this despatch that he thought English and Spanish interests would clash, for the Spaniards were working through native agents to thwart the intention of the English to establish themselves on that coast.

I observed to M. Ordega that it would be a mistake to suppose that there can be any question of conflicting opinions between the British and Spanish Governments on such a subject, as the conduct of Curtis or other British subjects in attempting to carry on smuggling transactions in Soos had not received the support of Her Majesty's Government; that, with regard to the action of the Spanish Government, they were perfectly entitled to require the cession of a site for a fishery on that coast, as was stipulated in their Treaty with Morocco.

I told M. Ordega that we had advised the Sultan to open a port or ports in the southern districts of his Empire as the best mode of satisfying the trading requirements of the inhabitants, and to establish *de facto*, as well as *de jure*, His Shereefian Majesty's sovereignty in that portion of his dominions.

M. Ordega informed me that he had received a letter from Cid Hosein-el-Hashem,* a Shereef venerated by all the tribes of Soos, informing him that he did not acknowledge the authority of the Sultan; that he had heard of the power and wealth of France as a great commercial country, and that, if the French Government would send vessels and open a port on the Soos coast, he (Cid Hosein) would cede the site they might select, and would aid them in making it a trading station.

M. Ordega observed, "I shall take no notice of this offer, which is not the first made by this Shereef;" and added, "We have quite enough on our hands with frontier troubles, without creating a coast question."

The son of Cid Hosein-el-Hashem is now with the Sultan, so this Shereef is playing a double game. Other Chiefs of the Soos are also at the Court, and have received their appointments as Governors. Their names are Dahmin-weld-Beyrook, Governor of Wad Noon (this Chief is brother of Beyrook, who aided Mackenzie to form the establishment at Cape Juby); Kaid Tsamantsy, appointed by the Sultan Governor of Baida.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 62.

Sir J. Drummond Hay to Earl Granville.—(Received April 17.)

(No. 30.)

My Lord,

Tangier, April 8, 1883.

WITH reference to my despatch No. 26 of the 4th instant, on the subject of the proceedings of Mr. Curtis and other British subjects on the coast of Soos, I have the honour to transmit an extract from a private letter, dated the 2nd instant, I have received from Her Majesty's Consul at Mogador.

I fear that, if the North African Company continues to send emissaries to the coast of Soos with the view of carrying on smuggling transactions, we may at any time hear of a catastrophe.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 62.

Consul Payton to Sir J. Drummond Hay.

(Private.)

(Extract.)

Mogador, April 2, 1883.

IT was rumoured in Morocco that twenty-five Moors had been enticed on board the steamer and taken away by her, but I hear the following on reliable authority: "That while many Arabs were on board the steamer, and a number of Christians from the steamer on shore, messengers came from the Sultan with a letter saying that the whole

* Cid Hosein-el-Hashem is a descendant of a Shereefian dynasty which formerly reigned in Morocco.—J. H. D. H.

No. 61*.

Sir J. Drummond Hay to Earl Granville.—(Received April 17.)

(No. 29.)

My Lord,

Tangier, April 7, 1883.

WITH reference to despatch No. 12 I addressed to your Lordship on the 16th February, on the subject of protection, and to your Lordship's No. 11 of the 26th ultimo. I have the honour to acquaint your Lordship that, having been informed by a colleague that the British Vice-Consul at Daralbaida, Mr. Lapeen, who is also Vice-Consul for Austria-Hungary, inserted in his lists of Moorish subjects under protection the names of wealthy farmers dwelling in the country as his domestic servants,* whereas they were in no way employed in his household, I directed Mr. Lapeen to inform me whether there was any truth in this allegation. I have the honour to transmit extracts from his reply, in which he admits that the names of servants inserted in the British and Austrian lists he has presented are those of Moors residing in the country,† and he expresses an opinion that he is entitled to extend such protection.

Taking into consideration the instruction contained in your Lordship's above-mentioned despatch, I have deferred replying to Mr. Lapeen until I learn your Lordship's opinion regarding the extension of such irregular protection, for I have reason to believe that other foreign Consular officers also take the same unfair advantage of the privileges ceded by the Madrid Convention.

On my journey to the Moorish Court last year various Governors of provinces expressed themselves very strongly regarding the abuses which are practised, and informed me that the "semsars," or agents of merchants, were generally wealthy farmers, who were not engaged either in selling or purchasing goods for their employers, but were merely the "milk cows," as they expressed themselves, of trading Consuls and other merchants. The Governors pointed to the well-mounted yeomanry, on richly-caparisoned horses, who accompanied them to meet me, saying that all those men, who formerly acted as the police under their orders in case of disturbances, were now protected by Consuls; and only on gala occasions, like the present, consented to be called out. My reply was that I regretted that such irregularities should exist, but that they were brought about by the general insecurity of the tenure of property, and by the system of extortion practised by the Government causing the farmers to seek for protection.

There is no doubt that many of the traders on the coast, Consular officers included, and one of the Representatives at Tangier,‡ grant irregular protection to wealthy Moors and Jews. A "semsar" two years ago brought up a horse from the interior as a gift to me, to obtain, as he hoped, direct protection from this Legation, saying that he had found that the Consular officer who protected him extorted even more money than the Governor of the province where he dwelt had done before he had obtained protection. Having rejected the gift, and declined to see the man, he became the fictitious partner of a foreign subject, and no doubt paid highly for it.

I fear these abuses and irregularities will never be eradicated so long as a miserable system of government like that of Morocco continues; but I am desirous that British officials should not be allowed to assimilate their conduct to that of the Moorish authorities, by making money through corruption, even though other foreign Consular officers may be permitted to enrich themselves by such malpractices.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 61*.

Vice-Consul Lapeen to Sir J. Drummond Hay.

(Extract.)

Daralbaida, March 7, 1883.

WITH respect to what Mr. White writes, namely, that it is the desire of Her Majesty's Government, and also your Excellency's wish, to see irregularities and abuses in connection with protection abolished, I do not believe that this can have reference to British subjects or Consular officers, who at present are merchants, as by the latest arrangements at the Madrid Convention, which for some time has been a dead letter, although we respect

* Article III of the Madrid Convention of 1880 stipulates that a Consul can protect two native servants.

† Probably wealthy farmers.—J. H. D. H.

‡ The United States' Consul-General.

it to its full extent, only first class British merchants have been allowed to appoint "semsars." What others do need not be mentioned, because your Excellency is well aware of it; however, *bond fide* British merchants have a decided disadvantage.

The Moors which are entered as servants in both the British and Austro-Hungarian lists of Consular employés are men residing in the country, and are not working as servants in my house; their names are entered in the belief that I had the right to give the appointments to those I thought convenient, all these men being the first to pay taxes (as house servants with us are sometimes changed weekly).

There are some of these men with whom I have had business transactions ever since 1862, and this being the case I do not think myself justified in leaving their and my property to be disposed of by their capricious *Caïds*.

I am quite ready to erase all those names from the lists, and am confident that when all these concessions are made your Excellency will take into consideration the extent of our business here, and will demand some sort of security in the future for our country business in connection with such men.

No. 62*.

Earl Granville to Sir J. Drummond Hay.

(No. 15.)

Sir,

Foreign Office, April 20, 1883.

I HAVE received your despatch No. 29 of the 7th instant, inquiring what view Her Majesty's Government take of the right claimed by Mr. Lapeen, Vice-Consul for Great Britain and for Austria-Hungary at Daralbaida, to insert in his lists of Moorish subjects under protection as domestic servants the names of certain native farmers dwelling in the country.

Before complying with your request for instructions on the subject, I should be glad to learn whether Mr. Lapeen is not a merchant "en gros," and therefore authorized by the Madrid Convention to protect the natives in question as his agents or "censeaux," though not entitled to do so as his domestic servants.

I am, &c.
(Signed) GRANVILLE.

tribe was outlawed for aiding and abetting these irregular proceedings; that thereupon the Chiefs sent message on board to say that, if all the Arabs on board were not returned immediately, they would kill all the Christians on shore; upon which the Moors were sent back, the Christians went on board, and the steamer went away."

The name of the steamer is now stated here to be "Garrawall," or some similar-sounding name.

No. 63.

Earl Granville to Sir J. Drummond Hay.

(No. 16.)

Sir,

Foreign Office, April 20, 1883.

I HAVE received your despatch No. 26 of the 4th instant, inclosing copies of letters which have passed between yourself and the Vizir Ben Alarby Moktar respecting the proceedings of Mr. Curtis in the Province Sus, who is accused of opening an illicit trade with some of the inhabitants; and I have to state to you that the terms of your reply to the Vizir are approved.

I am, &c.
(Signed) GRANVILLE.

No. 64.

Earl Granville to Sir J. Drummond Hay.

(No. 18.)

Sir,

Foreign Office, April 21, 1883.

I HAVE received your despatch No. 24 of the 31st ultimo, reporting a conversation which you have had with the French Minister upon the subject of the state of affairs in Morocco and the relations between that country and France; and I have to state to you that the language held by you on the occasion in question, as reported in your above-mentioned despatch, is approved by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 65.

*Sir J. Pouncefote to Mr. Levy.**

Sir,

Foreign Office, April 21, 1883.

WITH reference to the letter from this Office of the 23rd March, 1882, I am directed by Earl Granville to inform you that, from the reports which have been received from Her Majesty's Ambassador in Paris, there appears good reason to hope that the claims to indemnity for losses arising out of the bombardment of Sfax will eventually be paid in full.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 66.

Sir J. Drummond Hay to Earl Granville.—(Received April 23.)

(No. 31.)

My Lord,

Tangier, April 11, 1883.

WITH reference to my despatch No. 26 of the 4th instant on the subject of the proceedings of the British merchant, James Curtis, on the Soos coast, I have the honour to inclose the translation of a letter addressed to me by Cid Mohammed Bargash, requesting that I give directions to the British Consular Officers to attend to the charges which may be brought against the said Curtis, should he return to Morocco, on account of his having infringed the fiscal laws of Morocco by landing goods on the coast of Soos, and

* A similar letter was addressed to Messrs. Perry, Bury, and Co., Liverpool.

for having proceeded into the interior without the consent or knowledge of the authorities, in contravention of the established regulation.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 66.

Cid Mohammed Bargash to Sir J. Drummond Hay.

(Translation.)

(After compliments.)

Tangier, 1 Joumad II, 1300 (April 9, 1883).

YOU will have heard that the English merchant called James Curtis departed by land from Mogador without the knowledge of the authorities or of the Consul, and without a guard, which is obligatory upon every foreigner who desires to travel in the interior of these dominions, as established by regulations, and he went to Soos to engage in smuggling transactions. An English vessel consigned to him arrived on that coast, and disembarked a quantity of barley and rice, &c.

The proceedings of this merchant have caused considerable expenses to the Government in instituting inquiries into them. That coast has not been opened as yet by the Government to trade. The said merchant therefore is guilty of smuggling and of infringing the Treaty stipulation.

We therefore request you to direct your Consular Officers at the ports, especially the Consul at Mogador, that, should the said merchant return to any one of the ports, they attend to the charge which may be brought against him on account of what has been mentioned, and that Judgment be given on account of his having smuggled and infringed the established regulations as prescribed by Treaty.

Peace and friendship.

(Signed) MOHAMMED BARGASH.

No. 67.

Mr. Reade to Earl Granville.—(Received April 25.)

(No. 21.)

My Lord,

Tunis, April 21, 1883.

WITH reference to my despatch No. 18 of the 29th ultimo, I have the honour to herewith transmit an impression of the Tunisian Government "Gazette" of the 19th instant, publishing in the form of a Beylical Decree the Regulations which have been enacted for the guidance of the French Judicial Tribunals in this country.

It will be seen from a notice in the same "Gazette" that the formal installation of the said Tribunals will take place on Tuesday next, the 24th instant.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 67.

Extract from the "Journal Officiel Tunisien" of April 19, 1883.

Décret du 10 Djoumadi et Tuni, 1300 (18 Avril 1883).

Louanges à Dieu !

EXTRAIT du "Journal Officiel de la République Française," daté du 28 Mars, 1883 :—

"Loi portant Organisation de la Juridiction Française en Tunisie.

"Le Sénat et la Chambre des Députés ont adopté,

"Le Président de la République promulgue la Loi dont la teneur suit :—

"Article 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

"Le Tribunal de Première Instance siège à Tunis; les Justices de Paix ont leur siège à Tunis, à la Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

"La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu le Conseil d'État entendu.

"Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

"Art. 2. Ces Tribunaux font partie du ressort de la Cour d'Alger. Ils connaissent toutes les affaires civiles et commerciales entre Français et protégés Français.

"Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

"Leur compétence pourra être étendue à toutes autres personnes par des Arrêtés ou des Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

"Art. 3. Les Juges de Paix exercent en matière civile et pénale la compétence étendue telle qu'elle est déterminée par le Décret du 19 Août, 1854.

"Toutefois les Juges de Paix siégeant dans une ville où il y a un Tribunal de Première Instance n'ont cette compétence étendue que pour les actions personnelles et mobilières en matière civile et commerciale; pour le surplus ils exercent la compétence ordinaire telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

"Art. 4. Le Tribunal de Première Instance connaît en dernier ressort des actions personnelles et mobilières jusqu'à la valeur de 3,000 fr., et des actions immobilières jusqu'à 120 fr. de revenu. En premier ressort sa compétence est illimitée.

"En matière correctionnelle il statue en premier ressort sur tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

"En matière criminelle il statue en dernier ressort sur tous les faits qualifiés crimes, avec l'adjonction de six Assesseurs ayant voix délibérative, tirés au sort sur une liste dressée chaque année dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

"Si l'accusé ou l'un des accusés est Français ou protégé Français, les Assesseurs devront être tous Français.

"Art. 5. Le Tribunal, statuant au criminel, est saisi par un Arrêt de Renvoi rendu par la Chambre des Mises en Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle; sa décision est rendue dans les mêmes formes que les Jugements en matière correctionnelle.

"Art. 6. Le Tribunal, assisté d'Assesseurs, comme il est dit à l'Article 4, tient ses assises tous les trois mois, aux dates fixées d'avance par Arrêté Ministériel.

"Art. 7. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

"Art. 8. Les délais des ajournements et des appels sont réglés conformément à l'Ordonnance Royale du 16 Avril, 1843.

"Toutefois, si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :

"Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée et celui de la Mer Noire, de deux mois ;

"Pour ceux qui demeurent hors de ces limites, de cinq mois.

"Art. 9. Lorsqu'il y aura lieu à insertions légales, elles devront, à peine de nullité être faites dans l'un des journaux désigné à cet effet par Arrêté du Ministre Résident de France à Tunis.

"Art. 10. Les dispositions de l'Arrêté Ministériel du 26 Novembre, 1841, sur la profession de défenseur, et les dispositions des Décrets et Arrêtés concernant l'exercice de la profession d'huissier en Algérie sont applicables en Tunisie.

"Cependant les Français et les étrangers qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie et auront, dans le délai d'un mois à partir de cette promulgation, adressé au Ministre Résident une demande à l'effet de représenter les parties devant le Tribunal de Tunis pourront, après avis du Tribunal, donné en la Chambre du Conseil, le Procureur de la République entendu, être admis par Décret, à titre exceptionnel, à remplir les fonctions de défenseur près ce Tribunal.

"Art. 11. Le Tribunal de Tunis comprend : Un Président, trois Juges Titulaires, deux Juges Suppléants, un Procureur de la République, un Substitut, et un Greffier.

"L'un des Juges désigné par le Ministre de la Justice remplit les fonctions de Juge d'Instruction.

"Le nombre des Juges et Substituts pourra être augmenté, et des commis Greffiers pourront être institués par Décret rendu en la forme des Règlements d'Administration Publique.

" Art. 12. Les Tribunaux de Paix se composent d'un Juge de Paix, d'un ou plusieurs Suppléants, et d'un Greffier.

" Un officier de police judiciaire remplit les fonctions du Ministère Public.

" Art. 13. Des Interprètes sont attachés aux Tribunaux et Justices de Paix.

" Art. 14. Les Décrets portant nomination et révocation des Magistrats, des officiers Ministériels, et des Interprètes sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

" Art. 15. Les Magistrats composant les Tribunaux établis en Tunisie, les Greffiers, Commis-Greffiers, et Interprètes attachés à ces Tribunaux sont soumis aux lois et aux règlements qui régissent les juridictions Algériennes.

" Les conditions d'âge et de capacité pour leur nomination sont les mêmes que celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

" Leurs traitements sont fixés conformément au Tableau annexé à la présente Loi.

" Art. 16. Les fonctions de notaire continueront à être exercées dans la Régence par les Agents Consulaires Français, jusqu'à ce que le notariat y ait été organisé par un Règlement d'Administration Publique.

" Art. 17. Le tarif des frais de justice, en matière civile et criminelle, sera fixé par un Règlement d'Administration Publique.

" Jusqu'à promulgation de ce Règlement d'Administration Publique, les Tribunaux appliqueront les tarifs en vigueur en Algérie.

" Art. 18. Sont abrogées toutes les dispositions concernant la juridiction Consulaire, et applicables dans la Régence de Tunis, en tant qu'elles sont contraires à celles qui précèdent.

" Art. 19. La présente Loi sera exécutoire trois jours après son insertion dans le "Journal Officiel du Gouvernement Tunisien."

" La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme loi de l'État.

" Fait à Paris le 27 Mars, 1883.

(Signé) "JULES GRÉVY.

" Par le Président de la République :

" Le Ministre des Affaires Étrangères,
(Signé) "CHALLEMEL-LACOUR.

" Le Garde des Sceaux,

" Ministre de la Justice et des Cultes,
(Signé) "F. MARTIN FEUILLÉE.

" La présente Loi sera promulguée au "Journal Officiel," et adressée aux autorités administratives et judiciaires pour qu'elles l'observent et la fassent observer.

" Fait au Palais de la Marsa le 10 Djoumadi Et Tani, 1300.

(Signé) "ALI BEY."

" Par Décret du 2 Djoumadi Et Tani 1300 (10 Avril, 1883) ont été nommés Interprètes au Secrétariat-Général du Gouvernement : MM. Fleurat, Léon; Lombard, Alphonse."

" Par Décret du 8 Djoumadi Et Tani 1300 (15 Avril, 1883) Si Ahmed Elhadi a été nommé Oukil de la Zaouia de Sidi Messaoud El Adili."

No. 68.

Sir J. Pouncefote to Mr. Farrer.

Sir,

Foreign Office, April 28, 1883.

I AM directed by Earl Granville to transmit to you herewith, to be laid before the Lords of Trade, copies of despatches, as marked in the margin,* from Her Majesty's Minister at Tangier, relative to the proceedings of Mr. Curtis, a British subject, on the Soos Coast.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

* Nos. 60, 62, and 66.

No. 69.

Earl Granville to Mr. Reade.

(No. 7.)

Sir,

Foreign Office, May 2, 1883.

I INCLOSE, for your information, copy of a despatch from Her Majesty's Ambassador at Paris, from which you will perceive that it is probable that the Sfax indemnities will shortly be paid, and that it has been decided that the sums fixed by the Commission shall eventually be paid in full.*

I inclose, also for your information and use, printed copies of the following documents:—

1. Alphabetical list of English claimants.†

2. Indices of claims and suggested awards.†

3. List of English claims and of suggested awards.†

I am, &c.
(Signed) GRANVILLE.

No. 70.

Mr. Reade to Earl Granville.—(Received May 3.)

(No. 22.)

My Lord,

Tunis, April 26, 1883.

I HAVE the honour to transmit to your Lordship a copy of the Tunisian Government Gazette of this day, in which a Beylical Decree is published which orders that the sums awarded by the International Commission as indemnity for losses consequent on the late bombardment of Sfax be paid to the respective claimants in two instalments, the first of which to be due on the 15th May next.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 70.

Extract from the "Journal Officiel Tunisien" of April 26, 1883.

Décret du 2 Djoumadi et Tani, 1300 (10 Avril, 1883).

Louanges à Dieu!

BIEN qu'il soit établi par les règles du droit international que les dommages résultant de faits de guerre n'autorisent aucune demande en indemnité et que les événements dont la ville de Sfax a été le théâtre en 1881 aient ce caractère, nous n'avons pu entendre sans en être touché les plaintes des sujets des Puissances amies qui ont souffert de ces événements.

Aussi, animé par les sentiments de générosité dont certains peuples civilisés, et notamment la France, notre magnanime alliée et protectrice, se sont inspirés dans des circonstances analogues, nous avons provoqué la réunion d'une Commission Internationale appelée à apprécier l'importance des pertes éprouvées par les colonies étrangères à Sfax.

Cette Commission a résumé ses appréciations dans des Tableaux qui nous ont été soumis et que nous avons approuvés.

En conséquence et sans renoncer aux dispositions du droit international qui permettent de ne pas accueillir les demandes formées dans des circonstances analogues nous avons pris le Décret dont la teneur suit :

Article 1^{er}. Il est alloué, à titre purement gracieux, à tous les sujets des Puissances étrangères établis à Sfax lors de la rébellion de cette ville en 1881, dont les réclamations ont été examinées par la Commission d'Enquête, une indemnité égale au chiffre proposé pour chacun des réclamants par la dite Commission, conformément au Tableau annexé au présent Décret.

Art. 2. Cette indemnité sera prélevée sur le montant de la contribution de guerre imposée à la ville de Sfax.

Art. 3. Le paiement en sera fait en plusieurs échéances dont la première, comprenant la moitié de l'indemnité totale, courra du 8 Redjeb au 9 Châban, 1300 (15 Mai au 14 Juin, 1883).

Art. 4. Des mandats individuels sur la Caisse du Payeur-Général du corps d'occupation seront remis aux titulaires par le Gouverneur de Sfax. Ils signeront et laisseront entre ses mains une déclaration par laquelle ils s'engageront à renoncer, après paiement de l'indemnité, à toute réclamation ultérieure du chef des dommages éprouvés à l'occasion de la rébellion de la ville de Sfax en 1881.

Dans le cas où le titulaire ne saurait signer, acte authentique de cette déclaration sera remis au Gouverneur de Sfax.

* No. 56

† Separate printed papers: "Sfax Indemnity Commission."

Art. 5. Les mandats seront acquittés par les titulaires et leurs signatures légalisées par l'autorité Consulaire dont ils relèvent. Dans le cas où ils ne sauraient signer, quittance authentique délivrée par l'autorité Consulaire sera fournie à l'appui du mandat.

Art. 6. En cas de changement d'Etat, les certificats de propriété seront établis par l'autorité Consulaire avec indication des parties prenantes mais sans détermination de la part revenant à chacune d'elles. Si le mandat n'est acquitté par tous les intéressés, procuration authentique de ceux dont la signature fait défaut sera fournie à l'appui du mandat.

Art. 7. En cas d'empêchement les titulaires des mandats pourront les faire toucher par des mandataires munis d'une procuration authentique.

Art. 8. Toutes les pièces fournies à l'appui des mandats seront rédigées en Français, ou traduites en cette langue et certifiées conformes aux originaux par le Consul de France à Sfax. Les originaux et les traductions resteront annexés aux quittances.

Inclosure 2 in No. 70.

Supplement to the "Journal Officiel Tunisien" of April 26, 1883.

TABLEAU annexé au Décret allouant des Indemnités aux Européens, victimes des Evénements insurrectionnels de Sfax.

Numéros d'ordre.	Noms des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.	Numéros d'ordre.	Noms des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.
	<i>Allemands.</i>	Fr. c.	Fr. c.		<i>Allemands.</i>	Fr. c.	Fr. c.
1	Sabetta, Luigi ..	3,499 80	1,749 90	55	Caravita, Giuseppe ..	1,200 00	600 00
2	Wurth et C ^{ie} ..	342 60	171 30	56	Caravita, Raffaele ..	3,000 00	1,500 00
	<i>Américain.</i>			57	Caravita, V ^e ..	3,334 00	1,677 00
3	Ghigginio, Adolfo ..	345 60	172 80	58	Cardona et Gili ..	3,300 00	1,650 00
	<i>Anglais.</i>			59	Cardona, Felice ..	600 00	300 00
4	Abela, Antonio ..	621 00	310 50	60	Cardona, Giuseppe ..	1,200 00	600 00
5	Abela, Felice ..	900 00	450 00	61	Carleton, Edouard, et sa famille ..	6,000 00	3,000 00
6	Abela, Francesco ..	240 00	120 00	62	Carleton, Edouard di William ..	1,200 00	600 00
7	Abela, Luigi ..	1,800 00	900 00	63	Caruana, Lauzun Antonio ..	300 00	150 00
8	Abela, Rosa ..	240 00	120 00	64	Caruana, Giuseppe ..	4,800 00	2,400 00
9	Agius, Giovanna Maria ..	4,800 00	2,400 00	65	Caruana, Paolo ..	1,638 00	819 00
10	Aiden, Abraham ..	4,200 00	2,100 00	66	Caruana, Salvatore ..	570 00	285 00
11	Aiden, Binhas ..	4,200 00	2,100 00	67	Cassar, Giuseppe ..	1,500 00	750 00
12	Aiden, Haim ..	4,200 00	2,100 00	68	Cassar, Lorenzo ..	900 00	450 00
13	Alison, James ..	4,200 00	2,100 00	69	Causi, Lorenzo et Fils ..	1,200 00	600 00
14	Attard, Antonio ..	360 00	180 00	70	Chonchan ben Azria ..	180 00	90 00
15	Azopardi, Giuseppe ..	5,400 00	2,700 00	71	Ciantar, Maria ..	1,020 00	510 00
16	Azopardi, Michele ..	1,800 00	900 00	72	Ciantar, Pietro ..	1,500 00	750 00
17	Barbara, Carmelo et Barbara, Emmanuele ..	2,880 00	1,440 00	73	Cohen, Aaron ..	180 00	90 00
18	Barbara, Francesco ..	780 00	390 00	74	Cohen, Eliaou di Isaac ..	300 00	150 00
19	Barbara, Giovanni ..	900 00	450 00	75	Cohen, Miher ..	60 00	30 00
20	Barbara, Giuseppe ..	600 00	300 00	76	Cohen, Vittorio ..	1,500 00	750 00
21	Barbara, Ignazio ..	7,200 00	3,600 00	77	Cohen, Yuna ..	1,710 00	855 00
22	Barbara, Salvatore ..	420 00	210 00	78	Cordina, Giuseppe ..	300 00	150 00
23	Bartolo, Annonio ..	1,500 00	750 00	79	Cordina, Michele ..	900 00	450 00
24	Bartolo, Carmelo ..	330 00	165 00	80	Cutayar, Constantino ..	420 00	210 00
25	Bartolo, Giovanni ..	420 00	210 00	81	Cutayar, Fortunato ..	900 00	450 00
26	Bartolo, Giuseppe ..	600 00	300 00	82	Cutayar, Giovanna Maria ..	1,500 00	750 00
27	Bartolo, Michele ..	900 00	450 00	83	Cutayar, Giuseppe ..	1,920 00	960 00
28	Bartolo, Salvatore ..	300 00	150 00	84	Cutayar, Saverio ..	1,200 00	600 00
29	Berreb, Hamia ..	304 00	152 00	85	Damato, Emmanuele ..	420 00	210 00
30	Berreb, Yusuf ..	210 00	105 00	86	Damato, M. A. ..	240 00	120 00
31	Bordj, Achille Olivieri ..	1,740 00	870 00	87	Damato, Pietro ..	420 00	210 00
32	Bordj, Carmela ..	90 00	45 00	88	Debono (pour la maison Portelli) ..	348 00	174 00
33	Bordj, Giovanni ..	420 00	210 00	89	Debono, Carmelo ..	3,000 00	1,500 00
34	Bordj et Farugia ..	1,200 00	600 00	90	Debono, Carmelo di Antonio ..	1,500 00	750 00
35	Bonnici, Antonio V ^e ..	900 00	450 00	91	Debono, Emmanuele di Antonio ..	420 00	210 00
36	Brincat, Carmelo V ^e ..	180 00	90 00	92	Debono, Francesco ..	2,148 00	1,074 00
37	Brincat, Luigi ..	900 00	450 00	93	Debono, Michele ..	5,400 00	2,700 00
38	Bugeis, Frères ..	300 00	150 00	94	Debono, Paolo ..	2,400 00	1,200 00
39	Busuttil et Farugia ..	2,700 00	1,350 00	95	Debono, Paolo ..	240 00	120 00
40	Busuttil, Francesco et Zera, Giuseppe ..	300 00	150 00	96	Debono, Pietro ..	1,800 00	900 00
41	Busuttil, Giuseppe ..	99 00	49 50	97	Debono, Pietro di Antonio ..	1,620 00	810 00
42	Busuttil, Giuseppe ..	600 00	300 00	98	Dosira, Giuseppe ..	720 00	360 00
43	Busuttil, Lorenzo ..	6,600 00	3,300 00	99	Diacono, Matteo et Antonio ..	216 00	108 00
44	Busuttil, Michele ..	480 00	240 00	100	Dingli, Caterina ..	480 00	240 00
45	Busuttil, Paolo ..	210 00	105 00	101	Ellul et Didi ..	1,200 00	600 00
46	Busuttil, Vincenzo ..	570 00	285 00	102	Ellul, Clemente ..	12,060 00	6,030 00
47	Buttigieg, Antonio Vincenzo ..	900 00	450 00	103	Ellul, Francesco ..	780 00	390 00
48	Calaja, Giorgio ..	2,400 00	1,200 00	104	Ellul, Paolo ..	540 00	270 00
49	Calaja, V ^e ..	1,800 00	900 00	105	Falzon, Felice ..	420 00	210 00
50	Camilleri, Carmelo ..	120 00	60 00	106	Farugia, Andrea ..	720 00	360 00
51	Camilleri, Giovanni ..	960 00	480 00	107	Farugia, Antonio ..	1,800 00	900 00
52	Camilleri, Giuseppe ..	720 00	360 00	108	Farugia, Emmanuele ..	1,500 00	750 00
53	Camilleri, Giuseppe ..	900 00	450 00	109	Farugia, Francesco ..	180 00	90 00
54	Camilleri, Paolo ..	780 00	390 00	110	Farugia, Giovanni ..	900 00	450 00
				111	Farugia, Lorenzo ..	2,400 00	1,200 00
				112	Farugia, Loreta ..	1,080 00	540 00
				113	Farugia, Salvatore ..	1,080 00	540 00

Numéros d'ordre.	Noms des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.	Numéros d'ordre.	Noms des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.
		Fr. c.	Fr. c.			Fr. c.	Fr. c.
114	Ferrara, Catarina ..	300 00	150 00		<i>Austro-Hongrois.</i>		
115	Fighiera, Emmanuele ..	900 00	450 00	200	Azulai, Rubino ..	3,000 00	1,500 00
116	Fighiera, Fortunato ..	1,200 00	600 00	201	Dimo, Nicolo ..	450 00	225 00
117	Frendo, Luigi ..	7,200 00	3,600 00	202	Tapia, Giorgio ..	31,200 00	15,600 00
118	Frendo, Sœurs ..	330 00	165 00		<i>Belges.</i>		
119	Frendo, Rosso William ..	11,400 00	5,700 00	203	Arif, Amada ..	60 00	30 00
120	Gaffero, Ignazio ..	360 00	180 00	204	Berreb, Seessi ..	6,390 00	3,195 00
121	Galea, Francesco ..	420 00	210 00	205	Mohamed El Férian ..	240 00	120 00
122	Galea, Giuseppe ..	360 00	180 00	206	Zanzouri, Khalifa ..	2,040 00	1,020 00
123	Galea, Luigi, et Frères ..	600 00	300 00		<i>Espagnols.</i>		
124	Galea, William ..	1,200 00	600 00	207	Bahnick (Haï ben Selemo) ..	9,000 00	4,500 00
125	Gatt, Enrico ..	2,760 00	1,380 00	208	Ghez, Rafael ..	1,740 00	870 00
126	Gatt, Frendo Frederigo ..	1,500 00	750 00		<i>Français.</i>		
127	Gatt, Giorgio ..	264 00	132 00	209	Abd El Kader ..	234 60	117 30
128	Gauci, Giuseppe ..	480 00	240 00	210	Abdou El Melek ..	360 00	180 00
129	Gauci, Salvatore ..	960 00	480 00	211	Ahmed ben Scandreni ..	1,200 00	600 00
130	Gili et Lofredo ..	600 00	300 00	212	Allouche, Eliaou ..	1,080 00	540 00
131	Gili, Pietro ..	7,200 00	3,600 00	213	Allouche, Isaac ben Nessim ..	90 00	45 00
132	Gili, Salvatore ..	204 00	102 00	214	Allouche, Miher ben Isaac ..	240 00	120 00
133	Isaac ben Musci ..	600 00	300 00	215	Allouche, Nessim ouid Isaac ..	360 00	180 00
134	Lead Better ..	900 00	450 00	216	Allouche, Saïdo ..	420 00	210 00
135	Leonardi, Giuseppe ..	15,000 00	7,500 00	217	Allouche, Zesia ben Liaou ..	90 00	45 00
136	Leonardi, Lorenzo ..	120 00	60 00	218	Antoni, Pietro Paolo ..	1,500 00	750 00
137	Leonardi, Simone ..	360 00	180 00	219	Azriah, Agoub ben Braham ..	4,200 00	2,100 00
138	Loffreda, Giovanni ..	1,500 00	750 00	220	Azria, David ..	300 00	150 00
139	Mangium, Giacinto ..	300 00	150 00	221	Azria, Moses, et ses fils ..	360 00	180 00
140	Mangium, Paolo ..	3,000 00	1,500 00	222	Berreb, Kamoun V ^e ..	480 00	240 00
141	Mangium, Stefano ..	720 00	360 00	223	Berribi, Syon ..	3,600 00	1,800 00
142	Mellek, Ibrahim ..	1,500 00	750 00	224	Bessis, Youda Haï di Scialoun ..	3,960 00	1,980 00
143	Merilli, Antonio ..	135 00	67 50	225	Boubaker ben Ali Amor ..	180 00	90 00
144	Micalef, Carmelo ..	180 00	90 00	226	Boutboul, Embarka V ^e et Bramli son beau-frère ..	480 00	240 00
145	Micalef, Fortunato ..	300 00	150 00	227	Bramli, Haï ben Chaloum ..	540 00	270 00
146	Micalef, Giuseppe ..	120 00	60 00	228	Bramli, Haïm ..	480 00	240 00
147	Micalef, Maria V ^e ..	210 00	105 00	229	Bramli, Makhlof ..	720 00	360 00
148	Mohamed, Haddad ..	150 00	75 00	230	Bramli, Mariem V ^e ..	390 00	195 00
149	Mohamed, Msaad ..	120 00	60 00	231	Bramli, Scialoun ben Youcef ..	900 00	450 00
150	Montebello, Michele ..	3,240 00	1,620 00	232	Bramli, Turkia V ^e ..	450 00	225 00
151	Muscat, Giovanni ..	3,900 00	1,950 00	233	Brignone ..	420 00	210 00
152	Nataf, Isaac ..	3,900 00	1,950 00	234	Castellino ..	900 00	450 00
153	Nouira, Hassouna ..	240 00	120 00	235	Cosentino ..	1,200 00	600 00
154	Paco, Giuseppe ..	900 00	450 00	236	Crozat ..	1,800 00	900 00
155	Patiniot, Salvatore ..	420 00	210 00	237	Dridi, Helkel, fille ..	130 00	65 00
156	Pavia, Giuseppe ..	300 00	150 00	238	Dridi, Mariem V ^e Isaac ..	180 00	90 00
157	Perry, Barry ..	75,000 00	37,500 00	239	Espina, V ^e ..	3,000 00	1,500 00
158	Pisani, Giovanna Maria ..	1,200 00	600 00	240	Etablissements Catholiques ..	30,000 00	15,000 00
159	Portelli, Guglielmo ..	3,451 20	1,725 60	241	Frendo, Emilie V ^e ..	900 00	450 00
160	Psaila, Giovanni ..	1,200 00	600 00	242	Galula, David ..	15,000 00	7,500 00
161	Psaila, Giuseppe ..	15,600 00	7,800 00	243	Gau ..	3,999 60	1,999 80
162	Rossignaud, Sœurs ..	180 00	90 00	244	Habebou, Scialoun ..	3,600 00	1,800 00
163	Saliba, Antonio ..	300 00	150 00	245	Hadjigag, Braham ..	480 00	240 00
164	Saliba, Giuseppe ..	180 00	90 00	246	Hadjigag, David ..	480 00	240 00
165	Samama, Michele ..	1,140 00	570 00	247	Hadjigag, Mariem bent Braham ..	1,200 00	600 00
166	Sciberra, Paolo ..	510 00	255 00	248	Hadjigag, Mariam bent Dida ..	420 00	210 00
167	Scicluna, Carlo ..	300 00	150 00	249	Hadjigag, Yacoub ..	360 00	180 00
168	Scicluna et Fils ..	14,220 00	7,110 00	250	Hadjigag, Yacoub ben Braham ..	228 00	114 00
169	Scicluna, Francesco ..	480 00	240 00	251	Hadj Ahmed ben Abdallah ..	600 00	300 00
170	Scicluna et J. Tayar ..	150,000 00	75,000 00	252	Hadj Amor bent Ohman ..	360 00	180 00
171	Scicluna, Giuseppe ..	210 00	105 00	253	Hamoun, Benjamin ..	480 00	240 00
172	Scicluna, Michelangelo ..	480 00	240 00	254	Husson ..	720 00	360 00
173	Silka, Binhas ..	480 00	240 00	255	Imad Khamoun ..	2,640 00	1,320 00
174	Seikel, Salvatore ..	360 00	180 00	256	Jacquemart, Jean-Baptiste ..	600 00	300 00
175	Spiteri, Giovanni ..	360 00	180 00	257	Jacquemart, Thérèse ..	900 00	450 00
176	Spiteri, Giuseppe ..	4,800 00	2,400 00	258	Kossentini ben Raïs Aly, Mohamed ..	120 00	60 00
177	Spiteri, Giuseppe ..	4,200 00	2,100 00	259	Kossentini ben Raïs Aly, Said ..	120 00	60 00
178	Tabone, Vincenzo ..	2,400 00	1,200 00	260	Laïtte ..	4,800 00	2,400 00
179	Tayar, Jacob di Youcef ..	24,000 00	12,000 00	261	Louzon Mardokhai ben Youcef ..	210 00	120 00
180	Vangel, Giuseppe ..	3,600 00	1,800 00	262	Mabrouck Breec ben Mohamed ..	120 00	60 00
181	Vangel, Michele ..	2,100 00	1,050 00	263	Madar, Haï ..	360 00	180 00
182	Vella, Calcedonia ..	420 00	210 00	264	Mahmoud El Zghal ..	150 00	75 00
183	Vella, Carmelo, et sa mère ..	1,080 00	540 00	265	Mattei, André ..	1,680 00	840 00
184	Vella, Emmanuele ..	420 00	210 00	266	Mattei, Ange Léandre ..	780 00	390 00
185	Vella, Francesco ..	1,080 00	540 00	267	Mattei, Annibal ..	6,000 00	3,000 00
186	Vella, Giovanni ..	900 00	450 00	268	Mattei, Henri (personnel) ..	37,000 00	28,500 00
187	Vella, Liberata ..	1,800 00	900 00	269	Mattei, Henri (pour la maison Coulombel) ..	9,781 20	4,890 60
188	Vella, Lorenzo ..	900 00	450 00	270	Mattei, Henri (pour la Compagnie Transatlantique) ..	8,040 00	4,020 00
189	Vella, Michele ..	2,280 00	1,140 00				
190	Vella, Pietro ..	960 00	480 00				
191	Vella, Rafaele ..	2,160 00	1,080 00				
192	Vella, Salvatore ..	1,200 00	600 00				
193	Yacaroni, Antonio ..	1,440 00	720 00				
194	Yacaroni, Pietro ..	2,700 00	1,350 00				
195	Zammut, Annetta ..	900 00	450 00				
196	Zammut, Genesio ..	1,800 00	900 00				
197	Zanzouri, Youda ..	420 00	210 00				
198	Zarka, Chaloum ..	360 00	180 00				
199	Zembit, Concerta ..	195 00	97 50				

Nom des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.	Nom des Parties prenantes.	Montant de l'Indemnité.	Montant du premier acompte.
271 Mattei, Henri (pour le cercle transports) ..	300 00	150 00	326 Boggio, Francesco ..	360 00	180 00
272 Mattei, Henri (pour la maison Candolphe de Tunis) ..	450 00	225 00	327 Borsoni, Arnaldo ..	5,400 00	2,700 00
273 Mattei, Henri (pour la maison Audibert de Marseille) ..	2,100 00	1,050 00	328 Borsoni, G. B. ..	3,600 00	1,800 00
274 Messaïd, Fadji ben Mikhal ..	300 00	150 00	329 Buhors (Eliaou ben Matuc) ..	660 00	330 00
275 Messaïd, Mardokhal ben Mikhal ..	90 00	45 00	330 Buhors (Haïm ben Matuc) ..	6,000 00	3,000 00
276 Messaïd, Mikhal ..	600 00	300 00	331 Busetta, Antonio ..	840 00	420 00
277 Messaïd, Mikhal ..	1,500 00	750 00	332 Calmarino, V. ..	1,560 00	780 00
278 Mossilia, Haï ..	480 00	240 00	333 Camilla, Giuseppe ..	360 00	180 00
279 Mizoul, Hassouna ben Mohamed ..	1,440 00	720 00	334 Campolo, Pasquale ..	3,000 00	1,500 00
280 Nafaf, Chaloum ..	1,200 00	600 00	335 Cosentino, Saverio ..	780 00	390 00
281 Nafaf, Haï Ould Chaloum ..	1,080 00	540 00	336 Cusimano ..	300 00	150 00
282 Nafaf, Messaouda V. ..	300 00	150 00	337 Damico, Frères ..	3,000 00	1,500 00
283 Niculy, Denis ..	3,240 00	1,620 00	338 Depalma, Giuseppe ..	600 00	300 00
284 Niculy, Limber ..	1,800 00	900 00	339 Didi, Isaac ..	12,000 00	6,000 00
285 Padovani ..	900 00	450 00	340 Escano, Giuseppe ..	2,400 00	1,200 00
286 Pic, Paul ..	3,000 00	1,500 00	341 Ettejez El Manzoun ..	900 00	450 00
287 Raïbe, V. ..	3,300 00	1,650 00	342 Fedriani et Ravasini ..	1,219 80	609 90
288 Revenus concédés ..	18,408 00	9,204 00	343 Filippi (G. de) ..	11,400 00	5,700 00
289 Rousseau, Jules ..	2,428 80	1,214 40	344 Fiorentino, Giacomo ..	900 00	450 00
290 Selahgh, Semha ben Elia ..	600 00	300 00	345 Florio Sebastiano ..	1,098 00	549 00
291 Secours de St. Joseph ..	1,185 00	592 50	346 Galea, Antonina V. ..	1,800 00	900 00
292 Solal, Alfred (personnel) ..	27,000 00	13,500 00	347 Galea, Vincenzo ..	990 00	495 00
293 Solal, Alfred (pour le Vice-Consulat de Suède) ..	378 00	189 00	348 Ghidalia Salomone ..	3,870 00	1,935 00
294 Souhrat ..	1,800 00	900 00	349 Ghiggina, Achille ..	2,580 00	1,290 00
295 Thalassinos ..	1,299 60	649 80	350 Ghiggino, Adolfo ..	13,080 00	6,540 00
296 Thoni, Hans ..	330 00	165 00	351 Ghiggino, Enrico ..	3,780 00	1,890 00
297 Trad, V. ..	600 00	300 00	352 Giardina, Filomena ..	1,290 00	645 00
298 Avarikis, Emmanuele ..	900 00	450 00	353 Giardina, Francesco ..	690 00	345 00
299 Caramis, Athanas ..	900 00	450 00	354 Giardina, Salvatore ..	6,600 00	3,300 00
300 Columbus, Giorgio ..	600 00	300 00	355 Giardina, Silvestre ..	1,800 00	900 00
301 Ibrahim bin Ahmed ..	300 00	150 00	356 Granone ..	600 00	300 00
302 Théodoridi, Frères ..	966 00	483 00	357 Hadigi, Mohamed ..	3,900 00	1,950 00
303 Vice-Consul de Grèce ..	396 00	198 00	358 Halfoun, Haï ..	360 00	180 00
304 Cohen, Abraham ..	1,200 00	600 00	359 Halfoun, Isaac ..	720 00	360 00
305 Aiello, Gaetano ..	810 00	405 00	360 Hassen, M. I. ..	1,500 00	750 00
306 Aiello, mère et frères ..	900 00	450 00	361 La Commare ..	210 00	105 00
307 Amato, Frères ..	1,200 00	600 00	362 La Preda Agostino ..	1,302 00	651 00
308 Amato, Vincenzo ..	1,800 00	900 00	363 Lipari, Salvatore ..	600 00	300 00
309 Amran de Rahmid Amram ..	2,400 00	1,200 00	364 Lungo, Demiglio ..	1,800 00	900 00
310 Arbib Eugénio ..	54,000 00	27,000 00	365 Lungo, Gaetano ..	5,400 00	2,700 00
311 Aurbacher, Augusto ..	1,800 00	900 00	366 Marini, Lazzaro ..	1,380 00	690 00
312 Aurbacher, Edoardo ..	1,800 00	900 00	367 Morena, Giuseppe ..	360 00	180 00
313 Avvocato, Angelo ..	2,400 00	1,200 00	368 Moriglione, Carlo ..	2,700 00	1,350 00
314 Avvocato, Carmelo ..	9,000 00	4,500 00	369 Moriglione, Giovanni ..	1,200 00	600 00
315 Avvocato, Emmanuele (personnel) ..	9,000 00	4,500 00	370 Nahun, Gini ..	540 00	270 00
316 Avvocato, Emmanuele (pour Fedriani et Ravasini) ..	72 00	36 00	371 Nicastro ..	1,080 00	540 00
317 Avvocato, Emmanuele (pour la ferme des éponges) ..	24,000 00	12,000 00	372 Padovani, Giovanni ..	3,120 00	1,560 00
318 Avvocato, Emmanuele pour Hoirie, Avvocato) ..	1,800 00	900 00	373 Pariente, Alfonso ..	6,210 00	3,105 00
319 Avvocato, Emmanuele (pour Tardieu, de Marseille) ..	600 00	300 00	374 Perera, Isaac ..	10,800 00	5,400 00
320 Avvocato, Ferdinando ..	4,200 00	2,100 00	375 Perez, David ..	510 00	255 00
321 Avvocato, Giuseppe ..	2,400 00	1,200 00	376 Perez, Younda ..	600 00	300 00
322 Avvocato, Léopold ..	2,400 00	1,200 00	377 Perrone, Giuseppe ..	960 00	480 00
323 Avvocato, Rosa V. ..	3,780 00	1,890 00	378 Perrotti, Angelo ..	600 00	300 00
324 Azria, Mardokhal ..	1,350 00	675 00	379 Perrotti, Giuseppe ..	18,840 00	9,420 00
325 Borgès de Silva (Vita) ..	3,090 00	1,545 00	380 Sabetta, Luigi et Carleton ..	18,000 00	9,000 00
			381 Salome, Michele ..	1,080 00	540 00
			382 Santo, Maiale ..	1,080 00	540 00
			383 Scordino, Francesco ..	540 00	270 00
			384 Scordino, Mariana ..	2,100 00	1,050 00
			385 Scordino, Mazzareno ..	3,600 00	1,800 00
			386 Scordino, Salvatore ..	4,200 00	2,100 00
			387 Spina, Domenico ..	100 20	50 10
			388 Spiteri, Lorenzo ..	2,880 00	1,440 00
			389 Stimolo, Archangelo ..	20,220 00	10,110 00
			390 Traverso, Andrea ..	2,400 00	1,200 00
			391 Traverso, Giuseppe ..	996 00	498 00
			392 Zanzouri, Giuseppe ..	3,600 00	1,800 00
			393 Zanzouri, Hassan et Azriah ..	5,400 00	2,700 00
			394 Zirah, Clemente ..	600 00	300 00
			395 Zirah, Eliaou ..	9,000 00	4,500 00
			396 Zirah, Giuseppe ..	2,850 00	1,425 00
			397 Zirah, Haï ..	1,500 00	750 00
			398 Zirah, Haïm ..	1,500 00	750 00
			399 Zirah, Israël ..	9,960 00	4,980 00
			400 Zirah, Marietta ..	2,760 00	1,380 00

No. 71.

Mr. Reade to Earl Granville.—(Received May 3.)

(No. 23.)

My Lord,

CONFORMABLY with the notice given in my despatch No. 21 of the 21st instant, I have the honour to report that the installation of the new French Tribunals took place on the 24th, in the presence of the Prince Sid Mohamed, a son of the reigning Bey, and

Tunis, April 26, 1883.

most of the leading functionaries of the place, including the foreign Representatives who had been formally invited to attend.

A detailed account of the ceremony is contained in the copy of this day's Government "Gazette," which forms an inclosure in my despatch No. 22 of this date.

The institution of these Courts is viewed by the general body of Europeans (except the French), as well as by the whole of the native population, with suspicion and distrust.

But for this feeling, which time and experience can alone mitigate, I should say that M. Cambon's speech, in opening the proceedings of the ceremony of installation, and more especially that part of it which treats of the regard due to the local legislation, has, by the moderation of its tone, created a not unfavourable impression.

I have, &c.

(Signed) THOS. F. READE.

No. 72.

Consul Dupuis to Earl Granville.—(Received May 3.)

(No. 24.)

My Lord,

Teneriffe, April 21, 1883.

WITH respect to the Mar Pequena affair, I beg leave to inclose herewith, for your Lordship's information, a translation of a further article referring thereto which appeared in the Spanish papers yesterday.

Beyond stating "opposite the Canary Islands," the precise locality fixed upon, as mentioned in the article, does not seem yet to be generally known.

I may also mention here that, since writing to your Lordship on the 11th instant, the medical staff or corps and necessities, destined for the expeditionary force to Santa Cruz de Mar Pequena, as well as some military stores and two heavy guns, have arrived here from Spain.

I have, &c.

(Signed) J. HUTTON DUPUIS.

Inclosure in No. 72.

Extract from the "Noticias" of April 20, 1883.

(Translation.)

IN a few days the carrying out of the Treaty of Vael-Ras will be an undoubted fact.

The territory having been already fixed upon—not that where Santa Cruz de Mar Pequena was supposed to have been, but another locality opposite the Canary Islands, where the coast is of easy access, and safe to vessels of great draught, in short, the act of possession claimed by Spain will be verified with the complete acquiescence of the Sultan of Morocco. No action has yet been taken, because it would appear the Minister of Marine considered it necessary to set aside the sum of 150,000 pesetas for the purchase of a hulk where the expeditionary force would have to establish itself until the new Spanish territory was rendered habitable. But this matter will soon be settled without expense, as some war vessel no longer fit for active service (hulk) will be employed for that purpose.

No. 73.

Earl Granville to Mr. Reade.

(No. 1.)

(Telegraphic.)

Foreign Office, May 3, 1883, 2:15 P.M.

HENRY GATT, Sfax claimant, having applied to Captain Tryon for advice as to accepting compensation offered him, has been referred to you. Award suggested in his case was 6,040 piastres.

Lists of awards of Commission will be sent to you by post.

No. 74.

Earl Granville to Viscount Lyons.

(No. 472.)

My Lord,

Foreign Office, May 5, 1883.

I TRANSMIT to your Excellency herewith, for your information, copies of despatches, as marked in the margin,* relative to the institution of French Courts of Law in the Regency of Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 75.

Earl Granville to Mr. Reade.

(No. 8.)

Sir,

Foreign Office, May 5, 1883.

I HAVE received your despatch No. 18 of the 29th March upon the subject of the appointment of French judicial officers to preside over the French Courts of Law, which are about to be instituted in Tunis.

I have noted your remarks as to the difficulties which may arise if the French Codes are suddenly applied to cases in which the transfer or possession of real property is concerned, but before sending you any instructions on the subject, I should be glad to learn whether any Decree has been issued by the Bey altering the local law of real property in Tunis.

I am, &c.
(Signed) GRANVILLE.

No. 76.

Consul Dupuis to Earl Granville.—(Received May 6, 4 P.M.)

(Telegraphic.)

Madeira, May 6, 1883, 12.55 P.M.

Teneriffe, April 25.—It is reported here that the Spanish war-vessel "Ligera" sailed yesterday with civil and military engineers and Harbour-master of Grand Canary for Mogador to take on board Spanish and Moorish Commissioners of Limitation, and proceed to Santa Cruz de Mar Pequeña on the African coast.

No. 77.

Earl Granville to Mr. Langley.†

(No. 45.)

Sir,

Foreign Office, May 7, 1883.

I TRANSMIT to you herewith, for your information, copies of a despatch and of a telegram, as marked in the margin,‡ respecting the preparations of the Spanish Government to take possession of Santa Cruz de Mar Pequeña.

I am, &c.
(Signed) GRANVILLE.

No. 78.

Earl Granville to Viscount Lyons.

(No. 473.)

My Lord,

Foreign Office, May 8, 1883.

I HAVE to request that your Excellency will take an opportunity of informing the French Minister for Foreign Affairs that Her Majesty's Government have learnt with much satisfaction from Her Britannic Majesty's Agent and Consul-General at Tunis, that the Bey has issued a Decree authorizing the payment to the respective claimants of the sums awarded by the International Commission as indemnity for losses, consequent on the late bombardment of Sfax.

I am, &c.
(Signed) GRANVILLE.

* Nos. 53 and 75.

† Also to Sir J. Drummond Hay (No. 21).

‡ Nos. 72 and 76.

No. 79 A.

Mr. Lister to Consul Dupuis.

(Telegraphic.)

Foreign Office, May 8, 1883, 5.30 P.M.

YOUR telegram of the 25th April. Do you know what place has been selected as Santa Cruz de Mar Pequeña?

No. 79 B.

Sir J. Drummond Hay to Earl Granville.—(Received May 9.)

(No. 36.)

My Lord,

Tangier, May 2, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 15 of the 20th ultimo, informing me that before complying with my request for instructions regarding the right claimed by Vice-Consul Lapeen, of Daralbaida, to insert in the lists of Moorish subjects under protection as domestic servants the names of certain native farmers, your Lordship desires to learn whether Mr. Lapeen is not a merchant "en gros," and therefore authorized by the Madrid Convention to protect the natives in question as his agents or "semsars."

In reply, I have the honour to inform your Lordship that Mr. Lapeen is a merchant doing business "en gros," and has already in his employment two "semsars," or "censaux," who enjoy protection, in addition to the two farmers who are inserted in his list of protected persons as domestic servants. The question is, therefore, whether he or other Consular officers similarly situated can be authorized to insert as domestic servants in their lists of protected persons the names of wealthy farmers, who are not in any way engaged or employed in their houses as servants.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 79.

Mr. Lister to Captain Tryon, R.N.

(Confidential.)

Sir,

Foreign Office, May 8, 1883.

I AM directed by Earl Granville to transmit to you herewith, for your perusal, a despatch from Her Majesty's Agent and Consul-General at Tunis, inclosing copy of a Decree from the Bey, ordering the payment of the Sfax indemnities.*

I am, &c.

(Signed) T. V. LISTER.

No. 80.

Mr. Reade to Earl Granville.—(Received May 9, 5 P.M.)

(Telegraphic.)

Tunis, May 9, 1883, 11.30 A.M.

CONFORMABLY with your Lordship's telegram of yesterday, I have requested Vice-Consul to tell Henry Gatt to refer to me his case.

No. 81.

Note Verbale left with Earl Granville by Count d'Aunay, May 10, 1883.

LE Gouvernement de la République Française joint à cette note verbale le texte de la Loi qui a institué la juridiction Française en Tunisie, du Décret du Bey, qui en autorise le fonctionnement, et de deux Règlements d'Administration Publique concernant—l'un la nomination des Assesseurs en matière criminelle; l'autre, l'établissement des circonscriptions de Justice de Paix. Ces documents permettront au Gouvernement de Sa Majesté la Reine de se faire une idée exacte de l'organisation judiciaire dont la France vient de doter la Régence; et l'Ambassadeur de la République est chargé par son Gouvernement d'exprimer au Cabinet de Londres le désir que les sujets Anglais, fixés en Tunisie, soient soumis à l'avenir à la nouvelle juridiction.

Il est inutile de revenir ici sur les motifs d'ordre général que la France peut invoquer pour légitimer la démarche dont il s'agit. L'attitude de l'Angleterre après l'occupation de Chypre, la déclaration qu'elle a faite au Gouvernement Français que le régime des Capitulations était caduc par le fait même de l'établissement des Anglais dans l'île, l'accueil que cette déclaration a rencontré auprès du Gouvernement de la République, autorisent celui-ci à penser que le Cabinet de Londres ne fera pas difficulté d'agir à l'égard de la France de la même manière dans le cas présent.

Il est, d'ailleurs, facile de démontrer, à l'aide des documents ci-inclus, que les Anglais fixés en Tunisie ne courent aucun risque d'être lésés par la nouvelle organisation judiciaire. Il suffit pour cela d'examiner quelle est la situation actuelle d'un Européen obligé de recourir aux Tribunaux dans la Régence. En matière immobilière, il est jugé par les Tribunaux indigènes. En matière mobilière, il n'est assuré du bénéfice de la juridiction nationale que s'il est défendeur ou s'il actionne un de ses compatriotes. Dans les autres cas il doit suivre le défendeur devant le Tribunal de ce dernier. À l'avenir, dans toutes les hypothèses où l'Européen était justiciable d'un Tribunal Consulaire, il ira devant les Magistrats Français, dont la compétence et l'impartialité ne font pas doute. L'avantage de cette juridiction unique n'est pas à démontrer. En matière civile, la loi Française sera naturellement appliquée en principe par les nouveaux Tribunaux, les Juges conservant la liberté de prendre en considération le statut personnel des parties et les législations sous l'empire desquelles auront été conclus des contrats donnant lieu à litige. Il n'en est pas autrement du reste en France, où les Tribunaux, bien qu'ils soient institués pour faire prévaloir la loi nationale, sont si souvent obligés de tenir compte des législations étrangères. En matière pénale, enfin, la loi Française sera exclusivement appliquée. À cet égard, le Règlement ci-joint accorde aux étrangers des garanties tout exceptionnelles résultant de la présence de quelques-uns de leurs compatriotes parmi les Assesseurs.

Le Gouvernement de la République se plaît à croire que ces éclaircissements dissiperont les préoccupations que le Gouvernement de Sa Majesté la Reine aurait pu conserver touchant la situation réservée aux sujets Anglais en Tunisie sous le Protectorat de la France.

Londres, le 10 Mai, 1883.

Loi portant Organisation de la Juridiction Française en Tunisie.

LE Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis ; les Justices de Paix ont leur siège à Tunis, à la Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu, le Conseil d'État entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux font partie du ressort de la Cour d'Alger. Ils connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

Leur compétence pourra être étendue à toutes autres personnes par des Arrêtés ou des Décrets de son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

Art. 3. Les Juges de Paix exercent en matière civile et pénale le compétence étendue telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Toutefois, les Juges de Paix siégeant dans une ville où il y a un Tribunal de Première Instance n'ont cette compétence étendue que pour les actions personnelles et mobilières en matière civile et commerciale ; pour le surplus, ils exercent la compétence ordinaire telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Art. 4. Le Tribunal de Première Instance connaît en dernier ressort des actions personnelles et mobilières jusqu'à la valeur de 3,000 fr. et des actions immobilières jusqu'à 120 fr. de revenu. En premier ressort sa compétence est illimitée.

En matière correctionnelle il statue en premier ressort sur tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

En matière criminelle il statue en dernier ressort sur tous les faits qualifiés crimes, avec l'adjonction de six Assesseurs ayant voix délibérative, tirés au sort sur une liste dressée chaque année dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Si l'accusé ou l'un des accusés est Français ou protégé Français, les Assesseurs devront être tous Français.

Art 5. Le Tribunal statuant au criminel est saisi par un Arrêt de Renvoi rendu par la Chambre des Mises en Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle ; sa décision est rendue dans les mêmes formes que les Jugements en matière correctionnelle.

Art. 6. Le Tribunal assisté d'Assesseurs, comme il est dit Article 4, tient ses assises tous les trois mois, aux dates fixées d'avance par Arrêté Ministériel.

Art. 7. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 8. Les délais des ajournements et des appels sont réglés conformément à l'Ordonnance Royale du 16 Avril, 1843.

Toutefois, si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :

Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée et celui de la Mer Noire, de deux mois ;

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Art. 9. Lorsqu'il y aura lieu à insertions légales, elles devront, à peine de nullité, être faites dans l'un des journaux désignés à cet effet par Arrêté du Ministre Résident de France à Tunis.

Art. 10. Les dispositions de l'Arrêté Ministériel du 26 Novembre, 1841, sur la profession de défenseur, et les dispositions des Décrets et Arrêtés concernant l'exercice de la profession d'huissier en Algérie sont applicables en Tunisie.

Cependant les Français et les étrangers qui, à la promulgation de la présente Loi, exerceront la profession d'avocat en Tunisie, et auront, dans le délai d'un mois à partir de cette promulgation, adressé au Ministre Résident une demande à l'effet de représenter les parties devant le Tribunal de Tunis pourront, après avis du Tribunal, donné en la Chambre

du Conseil, le Procureur de la République entendu, être admis par Décret, à titre exceptionnel, à remplir les fonctions de défenseur près ce Tribunal.

Art. 11. Le Tribunal de Tunis comprend : un Président, trois Juges Titulaires, deux Juges Suppléants, un Procureur de la République, un Substitut, et un Greffier.

L'un des Juges, désigné par le Ministre de la Justice, remplit les fonctions de Juge d'Instruction.

Le nombre des Juges et Substituts pourra être augmenté, et des commis greffiers pourront être institués par Décrets rendus en la forme des Règlements d'Administration Publique.

Art. 12. Les Tribunaux de Paix se composent d'un Juge de Paix, d'un ou plusieurs Suppléants, et d'un Greffier.

Un officier de Police Judiciaire remplit les fonctions de Ministère Public.

Art. 13. Des Interprètes sont attachés aux Tribunaux et Justices de Paix.

Art. 14. Les Décrets portant nomination et révocation des Magistrats, des officiers Ministériels, et des Interprètes sont rendus sur la proposition du Garde des Sceaux, Ministre de la Justice.

Art. 15. Les Magistrats composant les Tribunaux établis en Tunisie, les Greffiers, commis greffiers, et Interprètes attachés à ces Tribunaux sont soumis aux lois et règlements qui régissent les juridictions Algériennes.

Les conditions d'âge et de capacité pour leur nomination sont les mêmes que celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Leurs traitements sont fixés conformément au Tableau annexé à la présente Loi.

Art. 16. Les fonctions de notaire continueront à être exercées dans la Régence par les Agents Consulaires Français, jusqu'à ce que le notariat y ait été organisé par un Règlement d'Administration Publique.

Art. 17. Le Tarif des frais de justice, en matière civile et criminelle, sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce Règlement d'Administration Publique, les Tribunaux appliqueront les Tarifs en vigueur en Algérie.

Art. 18. Sont abrogées toutes les dispositions concernant la juridiction Consulaire, et applicables dans la Régence de Tunis, en tant qu'elles sont contraires à celles qui précèdent.

Art. 19. La présente Loi sera exécutoire trois jours après son insertion dans le "Journal Officiel" du Gouvernement Tunisien.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'État.

Fait à Paris, le 27 Mars, 1883.

(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Affaires Étrangères,
(Signé) CHALLEMEL-LACOUR.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

TABLEAU Législatif annexé à la Loi portant organisation de la juridiction Française en Tunisie, fixant le traitement des Magistrats et du personnel de la Justice Française en Tunisie.

TRIBUNAL DE TUNIS.							Francs.
Président	..	..	..	..	..	..	12,000
Juge d'Instruction	..	..	..	..	..	..	8,800
Juge ..	..	..	..	..	..	..	8,000
Juge Suppléant	..	..	..	..	..	..	2,400
Procureur de la République	..	..	..	..	..	..	12,000
Substitut	..	..	..	..	..	..	8,000
Greffier	..	..	..	..	..	..	4,000
Commis Greffier	..	..	..	..	..	..	3,000
Interprète	..	..	..	..	..	..	3,400
JUSTICE DE PAIX.							
Juge de Paix	..	..	..	..	..	..	5,000
Greffier	..	..	..	..	..	..	3,500
Interprète	..	..	..	..	..	..	3,000
Officier de Police Judiciaire	..	..	..	..	..	..	3,500

Vu pour être annexé à la Loi du 27 Mars, 1883, délibérée et adoptée par le Sénat et par la Chambre des Députés.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :
Le Ministre des Affaires Étrangères,
(Signé) CHALLEMEL-LACOUR.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

Inclosure 2 in No. 81.

Décret de Son Altesse le Bey de Tunis, en date du 5 Mai, 1883.

PAR notre Décret du 10 Djourmadi El Tani, 1300, nous avons promulgué dans la Régence la Loi Française du 27 Mars, 1883, établissant des Tribunaux Français en Tunisie. Nous avons entendu que plusieurs des Puissances amies dont les Consuls, en vertu des Capitulations et des Traités passés avec nos prédécesseurs ont été investis de certains pouvoirs judiciaires, sont disposées à renoncer à ce privilège si leurs nationaux deviennent justiciables des Tribunaux Français récemment installés.

L'Article 2 de la Loi du 27 Mars, 1883, nous permet d'étendre la compétence de ces Tribunaux avec l'assentiment du Gouvernement Français.

Nous étant assuré de cet assentiment, nous prenons le Décret suivant :—

Article unique.—Les nationaux des Puissances amies dont les Tribunaux Consulaires seront supprimés deviendront justiciables des Tribunaux Français dans les mêmes conditions que les Français eux-mêmes.

Inclosure 3 in No. 81.

Décret relatif aux Conditions dans lesquelles sont désignés les Assesseurs du Tribunal de Tunis, statuant en Matière Criminelle.

LE Président de la République Française,
Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes ;
Vu l'Article 4, paragraphes 3 et 4, de la Loi du 27 Mars, 1883, portant organisation de la juridiction Française en Tunisie,
Le Conseil d'État entendu,

Décète :

Article 1^{er}. La liste générale des Assesseurs est composée de 150 noms et divisée en trois catégories distinctes :

La première catégorie comprend les noms des Assesseurs Français ;

La seconde, les noms des Assesseurs de nationalité étrangère ;

La troisième, le nom des Assesseurs indigènes.

Le nombre des Assesseurs de chaque catégorie est de cinquante.

Art. 2. Ces listes sont dressées par une Commission composée, savoir :—

En ce qui concerne la désignation des Assesseurs Français : (1) du Résident de France à Tunis, ou de son représentant, Président ; (2) du Président du Tribunal ; (3) du Procureur de la République ; (4) du Consul-Général de France ou, à son défaut, d'un fonctionnaire désigné par le Ministre des Affaires Étrangères ; (5) du premier Député de la nation.

En ce qui concerne la désignation des Assesseurs de nationalité étrangère : (1) du Résident de France à Tunis, ou de son représentant, Président ; (2) du Président du Tribunal ; (3) du Procureur de la République ; (4) de deux Notables, désignés par les Représentants des Puissances Étrangères.

En ce qui concerne la désignation des Assesseurs indigènes : (1) du Résident de France à Tunis, ou de son représentant, Président ; (2) du Président du Tribunal ; (3) du Procureur de la République ; (4) de deux fonctionnaires ou Notables désignés par Décret de Son Altesse le Bey.

Art. 3. Les listes sont dressées en double exemplaire : un exemplaire est déposé au greffe du Tribunal, l'autre reste aux archives de la Résidence.

Les listes sont permanentes jusqu'à leur renouvellement.

Art. 4. La liste des Assesseurs Français sera dressée, dès la promulgation du présent Décret.

Celles des Assesseurs étrangers et des Assesseurs indigènes seront dressées, lorsque des Arrêtés ou Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français, auront étendu la compétence du Tribunal aux ressortissants d'autres Puissances ou aux indigènes.

Les Commissions instituées en l'Article 2 sont convoquées, chaque année, par le Résident de France, dans le courant du mois de Décembre pour procéder au renouvellement des listes d'Assesseurs.

Art. 5. Les premières listes dressées en exécution du présent Règlement auront leur application jusqu'au 31 Décembre suivant. Les listes ultérieurement dressées seront appliquées du 1^{er} Janvier au 31 Décembre de chaque année.

Art. 6. Les Assesseurs sont choisis parmi les personnes âgées de 30 ans au moins et d'une honorabilité reconnue.

Art. 7. Les fonctions d'Assesseurs sont incompatibles avec celles de fonctionnaires Français ou étranger en Tunisie, de militaire et marin en activité de service, de fonctionnaire Tunisien, civil ou militaire.

Ne peuvent être Assesseurs les domestiques ou serviteurs à gages.

Art. 8. Un mois au moins avant l'ouverture de chaque session criminelle, le Président du Tribunal tire au sort, en Chambre du Conseil, sur les listes générales et à raison de dix pour chaque catégorie, les noms des Assesseurs qui seront appelés, pendant la dite session, à compléter le Tribunal.

Art. 9. Les six personnes, dont les noms seront sortis les premiers, sur la liste de la première catégorie, sont désignées comme Assesseurs de la session prochaine. Les quatre autres sont appelées, en suivant l'ordre du tirage au sort, à remplacer les Assesseurs décédés, et ceux qui justifieraient d'une cause d'empêchement, par suite d'absence ou de maladie, ou qui auraient été frappés d'une condamnation pénale depuis le renouvellement de la liste ou seraient sous le coup de poursuites criminelles.

Si l'accusé ou l'un des accusés est Français, les Assesseurs titulaires ou leurs suppléants siégeront comme adjoints au Tribunal.

Si les accusés sont de nationalité étrangère, le Président du Tribunal appelle à siéger avec les trois premiers Assesseurs Français les trois Assesseurs étrangers, dont les noms sont sortis les premiers sur la liste de la seconde catégorie.

Si les accusés sont indigènes, le Président du Tribunal pourvoit également au remplacement des trois derniers Assesseurs Français par l'adjonction des trois Assesseurs indigènes dont les noms sont sortis les premiers sur la liste de la troisième catégorie.

Si les accusés sont, les uns des étrangers et les autres des indigènes, les trois derniers Assesseurs Français seront remplacés par deux Assesseurs étrangers et un Assesseur indigène dans l'ordre du tirage au sort.

Il est pourvu au remplacement des Assesseurs étrangers ou indigènes décédés, absents, malades, condamnés ou poursuivis, par l'appel des Assesseurs désignés après eux par le sort et dans l'ordre du tirage.

Art. 10. Les noms des Assesseurs qui auront rempli leurs fonctions durant une session ne seront pas compris dans les autres tirages de l'année courante.

Art. 11. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 14 Avril, 1883.

(Signé) JULES GRÉVY.
Par le Président de la République :
Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

Inclosure 4 in No. 81.

Decree.

LE Président de la République Française,
Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,
Vu la Loi du 27 Mars, 1883, portant organisation de la juridiction Française en Tunisie, et institution de six Justices de Paix, qui auront leur siège à Tunis, Bizerte, la Goulette, Kef, Sousse, et Sfax ;
Le Conseil d'État entendu,

Dérète :

Article 1^{er}. Le ressort de la Justice de Paix de Tunis comprend le cercle militaire de Tunis (moins la partie de cercle réservée à la Justice de Paix de la Goulette), et les cercles militaires d'Aïn-Tonga et de Zaghuan.

Le ressort de la Justice de Paix de Bizerte comprend le cercle militaire de Bizerte, l'annexe de Mateur, et le cercle de Béja.

Le ressort de la Justice de Paix de la Goulette comprend la partie du cercle de Tunis située entre la mer et une ligne déterminée par Kamart, l'Aouina, l'Oued Méliana, et la limite du cercle de Zaghuan.

Le ressort de la Justice de Paix du Kef comprend les cercles militaires d'Aïn Drahm, de Ghardimaou, du Kef, et l'annexe de Fériana.

Le ressort de la Justice de Paix de Sousse comprend les cercles militaires de Sousse, de Kairouan, de Mahadia, et de Hamada.

Le ressort de la Justice de Paix de Sfax comprend les cercles militaires de Sfax, de Djilma, de Maharès, de Gabès, d'El-Aiacha, l'annexe de Tozeur, et les cercles de Gafsa, et de Djerba-Ksar-Moutenim.

Art. 2. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 14 Avril, 1883.

(Signé) JULES GRÉVY.

Par le Président de la République :
Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

No. 82.

Consul Dupuis to Earl Granville.—(Received May 14.)

(No. 25.)

My Lord,

Teneriffe, April 25, 1883.

THIS morning I did myself the honour to telegraph to your Lordship as follows:—

"It is reported here that the Spanish war vessel 'Ligera' sailed yesterday with civil and military engineers, and harbour-master of Grand Canary, for Mogador, to take on board the Spanish and Moorish Commissioners of limitation, and proceed to Santa Cruz de Mar Pequeña, on the African coast."

Beyond the circumstance of the departure of the 'Ligera' there is nothing further to communicate, excepting, perhaps, to draw the attention of your Lordship to the ambiguous wording of the article in the Spanish papers, a translation of which I inclosed in my previous despatch of the 21st instant, which, in alluding to the territory claimed, says: "Not that where Santa Cruz de Mar Pequeña was supposed to have been, but another locality opposite the Canary Islands."

Although for some reason or other the name of this latter locality does not seem to transpire, still, I cannot believe it to be Cape Juby itself, but some place nearer to it than Santa Cruz is situated.

I have, &c.
(Signed) J. HUTTON DUPUIS.

No. 83.

Consul Dupuis to Earl Granville.—(Received May 14.)

(No. 28.)

My Lord,

Teneriffe, May 3, 1883.

SINCE doing myself the honour to address your Lordship on the 25th ultimo reporting the departure of the 'Ligera' for Mogador with the Spanish Delegates of the Commission of territorial limitation, I may now acquaint your Lordship with the return of that vessel a day or two since, amid some feeling of disappointment in the minds of many.

It would seem that the Commander of the 'Ligera' received positive and definite orders from the Home Government to proceed without delay to Mogador, where it was said the Moorish Delegates and the Spanish war vessel 'Tornado' were waiting his arrival prior to going to Mar Pequeña; but finding on reaching that port that neither the Moorish Delegates nor the 'Tornado' was there, and, moreover, that the Spanish Consul

of Mogador, who is chief of the expedition, had no instructions whatever in the matter, and could not give the slightest intelligence as to when the Moorish Delegates would arrive,—that the 'Tornado' appeared to be a vessel out of commission,—in short that the Consul was at a complete loss what to do beyond offering to apply for instructions by a first opportunity, he landed the Delegates and came away, not over pleased with his trip to the African coast.

In the meantime, it appears the Spanish Delegates are to wait in Mogador the result of the Consul's action in the matter, while a part of the press here is showing its displeasure at the proceeding of Señor Vega de Armijo in this affair, which it stigmatizes as scandalous and shameful.

I may also take this opportunity of informing your Lordship that the Commander of Her Majesty's ship 'Seagull' writes me from Madeira on the 23rd ultimo that, owing to the prevailing strong north-easterly trade winds, he will not be able to reach this island as he intended, but that he would proceed to Gibraltar and England.

I have, &c.
(Signed) J. HUTTON DUPUIS.

No. 84.

Sir J. Drummond Hay to Earl Granville.—(Received May 14.)

(No. 37.)

My Lord,

Tangier, May 6, 1883.

A CORRESPONDENT at Morocco informs me that the Sultan has dispatched a force consisting of about 800 askar and 200 cavalry to the Soos district, on the coast of which the steamer of the North African Company had landed goods in contraband, to chastise the members of the tribe who aided Mr. James Curtis, the agent of the steamer, to disembark and dispose of the cargo. Orders have been given, it is said, to the Commander of the expedition to arrest Mr. Curtis and to send him to Mogador. It is reported that Mr. Curtis had left the coast in the steamer of the North African Company.

It is not improbable also that the Commander of the expedition has received orders, should the site of Santa Cruz de Mar Pequeña be fixed upon by the Spanish and Moorish Commissioners, to do all he can to prevent the tribes of the neighbouring districts offering opposition to the Spanish force which may be dispatched to take possession of the site ceded.

A report has reached me that the French Secretary of Legation, M. Montfraix, on his late visit to the Court, had inquired whether the Sultan would be disposed to cede to the French Government a port on the Soos coast, and that His Majesty had refused to entertain such a proposition.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 85.

Sir J. Drummond Hay to Earl Granville.—(Received May 14.)

(No. 38.)

My Lord,

Tangier, May 7, 1883.

WITH reference to my despatch No. 11 of the 9th February, I have the honour to transmit the copy of a despatch addressed to me by Mr. Consul Payton, reporting the arrival of the Spanish Government vessel 'Ligera' from the Canary Islands, and of the Spanish and Moorish Commissioners appointed to fix the site of Santa Cruz de Mar Pequeña ceded by Treaty to Spain for the establishment of a fishery on that coast.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 85.

Consul Payton to Sir J. H. Drummond Hay.

Sir,

I HAVE the honour to report the arrival here on the 26th April of the aviso 'Ligera,' from the Canary Islands. On the following evening, having landed a

[921]

Mogador, May 1, 1883.

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Commander of marines and three civilians, supposed to be Commissioners, she left, with the object, I am informed, of bringing a General from the Canaries.

No salute was fired either from town or ship.

On the 26th also, Kaid Dahman Ould Bayrook, of Wadnoon, arrived here from Morocco, and to-day four Commissioners named Shereef Moulai Hamed Soueri, Kaid Bou Sta Bel Bagdady, El Hadj Mohammed el Ameen el Ghasel Tanjowy, and Cid Mohammed Hadadon, are expected to reach Mogador to meet the Spanish party, which will, I understand, on the return of the "Ligera," proceed southwards for the survey or the occupation of territory.

A Spanish military engineer from Ceuta arrived here a fortnight ago by French steamer.

I have, &c.
(Signed) CHAS. A. PAYTON.

No. 86.

Sir J. Drummond Hay to Earl Granville.—(Received May 14.)

(No. 39.)

My Lord,

Tangier, May 7, 1883.

WITH reference to the despatches marked in the margin,* I have the honour to transmit extracts from letters addressed to me by Mr. Consul Payton on the 19th April and 1st May, regarding the proceedings of Mr. James Curtis and the visit of the British steamer to the Soos coast, and the landing of goods, in contravention of the fiscal laws of Morocco.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 86.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, April 19, 1883.

WITH reference to my former letters on the subject of affairs in Ait Bou Amran, I am now able to lay before your Excellency some of the grounds on which the Mogador sympathizers of the Soos and North African Company profess to base a justification of recent operations.

They refer to Article IV of the General Treaty of 1856,† giving British subjects right to travel in the Sultan's dominions.

They speak of British merchants having the right, according to Article V of the same Treaty,‡ to reside and trade anywhere in the Sultan's dominions; and refer to a portion of the provisions of Article I of the Convention of Commerce of 1856.

And, referring to Article XI of the Madrid Convention of 1880, giving all foreigners the right to hold property, they say that the Company has bought about 200 miles of the sea-board down there with the consent of the local authorities!§

Reference is also made to the verbal message of the Oomana to merchants here last summer as to the permission for the importation of food-stuffs at "Agadir and the ports of Ait Bou Amran," and to the notice concerning Agadir and Assaka,|| conveyed in your Circular, Commercial, of the 23rd August, 1882. The importation was said to be sanctioned for ninety days, "commencing from date of landing of the cargo from the first vessel arriving at those ports," a slightly vague expression.

Here they seem to assume that the place at which they are now operating may be the place spoken of as Assaka, and to ignore the fact that, by a notice published here on the 14th November last, the permission to ship food-stuffs to Assaka was *withdrawn* and postponed till further notice.

* Nos. 60, 62, 66, and 84.

† In Article IV the following clause is added:—"Subject to the same precautions of police which are practised towards the subjects or citizens of the most favoured nations." James Curtis proceeded to Soos without giving notice to the authorities and without the usual guard required by the Government.—J. H. D. H.

‡ Neither Article V nor Article I can be interpreted as authority to British subjects to land goods in contraband on the coast of Morocco where there is no port and no Customs officers.—J. H. D. H.

§ This is absurd.—J. H. D. H.

|| Notice was given by the Moorish Government that these ports were opened temporarily, but had again been closed.—J. H. D. H.

The latest reports from Esbouya (?) were that the steamer was still there, and that 160 camel-loads from her had been sold at the market of Cid Hamed ou Moussa—rice, barley, and tea; that letters had come to all the Chiefs down there that all persons aiding Christians were outlawed, and that they might pillage his property and do what they liked; and that there was some actual fighting going on.

A Jew, who has arrived from the neighbourhood of Assaka, reports that a crier went about at the market of Cid Hamed ou Moussa, calling on all good Muslimeen, in the name of the Sultan and Cid Hosein, to go against those people who were dealing with the English steamer near Ifni. Also, that letters had come from the Sultan that a port would be opened at Messah, Agloo, Ifni, or Assaka, and the Spaniards would come there, and the Sultan would build for them, builders going from Mogador; and that 1,000 soldiers were going down either by land or sea.

Kaid Maclean writes, the 15th April: "An expedition of 1,000 soldiers and 100 cavalry started for Soos yesterday to punish the tribes who bought from and assisted the Christians."

These soldiers have, I believe, already passed southward. It was said to be the Sultan's intention that they should go by sea, but the Oomana pointed out that it would be very expensive to hire a steamer, and that there was no steamer handy.

The "Ligera" is expected from the Canaries.

Inclosure 2 in No. 86.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, May 1, 1883.

WITH reference to affairs in Ait Bou Amran, I may mention that the English steamer which passed northwards on the 22nd instant, is generally supposed to be the one in question.

Reports are current here to the effect that Mr. James Curtis and another Christian have been arrested in the house of Kaid Ould Gh'lainy (near Messah, I believe) and are being forwarded, some say to Morocco, some to Mogador.

No. 87.

Captain Tryon to Mr. Lister.—(Received May 14.)

(Confidential.)

Sir,

Admiralty, May 12, 1883.

I HAVE the honour to return, after perusal, a despatch from Her Majesty's Agent and Consul-General at Tunis, inclosing a copy of a Decree ordering the payment of the Sfax indemnity.

I observe that in some instances the sums placed against the names of individuals in the "Journal Officiel" do not agree with the sums given in my official Return. A comparison between the sums named in that Return with those shown in the "Journal Officiel" will, I believe, show that in the latter case the sums named are those originally suggested in the Commission and not those approved subsequently.

In some instances the award originally proposed was conceded after further inquiry and consideration.

I do not think the sums total will be found to differ materially.

I have my note here which, after a comparison between the two Returns has been made, would soon verify the above statement.

I am, &c.
(Signed) G. TRYON.

No. 88.

Earl Granville to M. Tissot.

M. l'Ambassadeur,

Foreign Office, May 14, 1883.

I HAVE the honour to acknowledge the receipt of the *note verbale* dated the 10th instant, which was left at this Office by Count d'Aunay, relative to the establishment of

* A Spanish Government steamer.—J. H. D. H.

FO. 403/24

BE REPRODUCED PHOTOGRAPHICALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON

French Tribunals in Tunis, and I hasten to assure your Excellency that the proposals of the French Government on the subject shall receive the attentive consideration of that of Her Majesty.

I have, &c.
(Signed) GRANVILLE.

No. 89.

Earl Granville to Mr. Reade.

(No. 3.)
(Telegraphic.)

Foreign Office, May 16, 1883, 2.50 P.M.

SFAX indemnity.

There appears to be in some cases a difference between the amounts published in Tunisian Gazette and those in the list of English Commissioners with which you have been furnished, apparently owing to the awards published being those made in the first instance, and not the corrected awards.

Is this the case, and if so, what course would you suggest to get the Tunisian Government to adopt the list of the Commission?

No. 90.

Earl Granville to Mr. Reade.

(No. 9. Ext.)

Sir,

Foreign Office, May 16, 1883.

I HAVE received your despatch No. 22 of the 26th ultimo inclosing copy of a Decree of the Bey of Tunis ordering the payment of the sums awarded by the International Commission as indemnity for losses occasioned by the bombardment of Sfax.

I observe that in some cases there appears to be a difference between the amounts published in the Tunisian Gazette and those in the list of the English Commissioner, copy of which I transmitted to you in my despatch No. 7 of the 2nd instant.

The discrepancy is apparently owing to the awards published being those made in the first instance, and not the corrected awards.

Ascertain whether this is the case, and if it is, I should be glad to learn what course you would suggest with a view to obtain the adoption by the Tunisian Government of the list of the Commission.

I am, &c.
(Signed) GRANVILLE.

No. 91.

Mr. Reade to Earl Granville.—(Received May 18, 6.15 P.M.)

(No. 5.)
(Telegraphic.)

Tunis, May 18, 1883, 10.45 A.M.

SFAX indemnity.

Before receipt of your Lordship's telegram of the 16th I had already brought the matter of the differences between the awards of the English Commissioners and those of the Tunisian Government before M. Cambon, the worst cases have been rectified. With regard to the remaining ones the differences are not considered to be of sufficient importance to require alteration.

No. 92.

Consul Dupuis to Earl Granville.—(Received May 26.)

(Telegraphic.)

Teneriffe, May 24, 1883.

YOUR telegram 8th instant received.

Place selected in Mar Pequeña not known; supposed to be Puerto Cansado.

No. 93.

Mr. Reade to Earl Granville.—(Received May 28, 6.30 P.M.)

(No. 6.)
(Telegraphic.)

Tunis, May 28, 1883, 11.30 A.M.

I HAVE every reason to believe that Beylical Decree is actually signed extending jurisdiction of new French Tribunals to all cases between foreigners and natives, including disputes as to real property. It is not yet published. As it infringes a portion of the Capitulations, the measure will probably cause much confusion.

No. 94.

Mr. Reade to Earl Granville.—(Received May 30, 8 A.M.)

(No. 7.)
(Telegraphic.)

Tunis, May 29, 1883, 1.28 P.M.

SFAX indemnity.

With reference to my telegram No. 5 of the 18th instant, I have arranged with M. Cambon that all British claims shall be paid according to Captain Tryon's list.

No. 95.

Mr. Lee, M.P., to Lord E. Fitzmaurice.—(Received June 2.)

Dear Lord Edmond,

House of Commons, May 31, 1883.

I BEG to inclose, for your perusal, the Circular to which I referred in my conversation respecting Cape Juby.

You will no doubt see that this movement may be most prejudicial to our interests, and put in peril the large amount we have expended in developing the station.

If the Government cannot aid us by giving the Company a Charter, or some recognition which will help us in our venture, I fear we shall be at a considerable loss.

Some time ago a communication was made from the Foreign Office as to the propriety of disposing of our interests to the Emperor of Morocco.

Has any further information reached the Foreign Office in answer to our reply, and do you recommend that we should enter into any negotiation through Sir John Hay in reference to the matter?

I shall be very glad to wait upon Lord Granville to afford him any explanation he may desire; but it appears to me if the Government, through lack of support, compel us to abandon the station, or make the best terms we can with some other Power, the time will come when it will be seen to be a serious misfortune for the commercial interests of the country.

I am, &c.
(Signed) HENRY LEE.

Inclosure in No. 95.

Circular.

Dear Sir,

Malvern Place, Cheltenham, [no date].

IN reply to yours dated , I beg to say that the expedition is to the African coast to Cape Juby, which is about 30 degrees north of the Equator, and consequently in a pleasant latitude. The trade consists of the imports and exports mentioned below, and you can see the value of such exports as wool, ostrich feathers, ivory, and gold. The captain, who knows the coast and the Arab Sheikh who governs the territory, is confident of obtaining not only 250 per cent. profit on each voyage, but also various valuable concessions as to ports, mines, &c., which may be a source of immense revenue in the future. It has been arranged to purchase for the sum of 1,200l. a vessel of 240 tons burden, A 1 Lloyd's, coppered, and well found. Conse-

[921]

T

quently, the shares, of which there are sixty-four, and estimated at 12l. 10s. per share, will cost 18l. 15s. each. A further amount, to be agreed on between the members of the Company when formed, will have to be found for the fitting, outward cargo, and expenses of the first voyage.

About eight of the members will be able to accompany the expedition, and it is proposed that the eight largest shareholders in the vessel shall have the first option. There will be thirty-two working shares, to be divided among these workers, on which profits will be declared equally with the ship shares. If seven or more members join the Company, it is then intended to register it as a private Company, Limited, under the Acts.

If you think of joining the Company, immediate application must be made, stating the number of shares you would most probably invest in, as the replies received by me are so numerous as to necessitate the printing of this letter; but I shall be most happy to give any information and introduction to you, should you desire to know more before deciding.

I append the most suitable imports for Cape Juby, and the exports usually obtainable.

Imports.—Indian corn, oatmeal, tea, sugar, tobacco, muskets, powder, lead, shot, files, knives, daggers, swords, sheep-shears, cloth of various kinds, hatchets, matches, biscuits, cotton and silk handkerchiefs, binoculars, fish-hooks, saddlery (camel), twine, crockery, hardware.

Exports.—Wool, wax, honey, gums, horns, hides, skins, ostrich-feathers, gold-dust, palm oil, nuts, ivory, ambergris, Arab horses, mohair, almonds (bitter and sweet), dates, &c.

Yours, &c.
(Signed) H. A. NEWMAN.

P.S.—If you know Morocco, there is little more to say beyond what is within. There are twenty-two shares yet to be disposed of. If you have mate's certificate, you could go as mate if a shareholder; if master's ditto, you could likely go master of next vessel put on after a trip or two as mate, or otherwise in this one. I shall be most happy to answer any definite question to the best of my ability. I should also prefer letter to post-card for future.

H. A. N.

No. 96.

Sir J. Pauncefote to Sir R. Lingen.

Sir,

Foreign Office, June 2, 1883.

THE Lords Commissioners of the Treasury are no doubt aware that, in view of the new order of things in Tunis, the French Government have urged Her Majesty's Government to abandon the exercise of Consular jurisdiction in that Regency. The law establishing French jurisdiction in Tunis having been passed and promulgated, Her Majesty's Government have decided to consent to the withdrawal of British Consular jurisdiction under certain conditions which remain to be considered.

Under these circumstances, it becomes necessary to frame without delay an Order in Council to carry this arrangement into effect; and, with this object, Lord Granville requests that the Board of Treasury will be good enough to sanction Sir F. Reilly placing himself in immediate communication with the Permanent Under-Secretary of State of this Office with a view to arranging the terms of the Order in Council, and that he may be instructed accordingly.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 97*.

Earl Granville to Sir J. Drummond Hay.

(No. 22.)

Sir,

Foreign Office, June 2, 1883.

I HAVE received your despatch No. 36 of the 2nd ultimo, containing further particulars bearing upon the right claimed by Vice-Consul Lapeen, of Daralbaida, to insert the names of certain native farmers in the list of Moorish subjects under protection as domestic servants.

Before giving you any further instructions on this subject, I have to request that you will call upon Mr. Lapeen for further explanations of the grounds upon which he has extended British protection to the persons in question; and you will further direct Mr. Lapeen to state why, if these persons are his agents, he does not claim to protect them as "censaux," instead of entering them on his list as domestic servants, contrary, as it appears, to the facts of the case.

I am, &c.
(Signed) GRANVILLE.

No. 97.

Mr. Reade to Earl Granville.—(Received June 2, 8 P.M.)

(No. 9.)

(Telegraphic.)

Tunis, June 2, 1883, 11.30 A.M.

REPORT that Spain has consented to abolish Capitulations in Tunis, although industriously circulated by French authorities, is not known to or credited by Spanish Chargé d'Affaires.

No. 98.

Consul Dupuis to Earl Granville.—(Received June 4.)

(No. 29.)

My Lord,

Tenerife, May 15, 1883.

IN answer to your Lordship's telegram of the 8th instant, which I received yesterday by mail boat via Madeira, I may inform you that notwithstanding so much needless mystery as seems to be made with regard to the Mar Pequeña affair, and to the movement and destination of the military force in readiness in this island, as well as the concealment of the name of the place on the African Coast where the new Spanish Colony is to be established (which in all probability will not be known until the occupation actually takes place), still it is suspected, although without any certain knowledge, that Puerto Cansado is the locality selected for the debarkation of the expeditionary force. In the meanwhile the press, in drawing comparisons between the doings of other countries, in Africa, and those of Spain, accuses the Government of apathy and want of energy in upholding its own Treaty rights in Morocco.

Since writing on the 11th ultimo, I may also acquaint your Lordship that Lieutenant-General Weyler has returned from Spain, and a few days after he again embarked on board the "Ligera" for Mogador, as is reported, to concert measures respecting the expedition, prior to returning here to take on troops to Santa Cruz de Mar Pequeña.

I have, &c.
(Signed) J. HUTTON DUPUIS.

No. 99.

Sir J. Drummond Hay to Earl Granville.—(Received June 4.)

(No. 41.)

My Lord,

Tangier, May 28, 1883.

WITH reference to my despatch No. 39 of the 7th instant, I have the honour to transmit a despatch dated the 17th instant, addressed to me by Her Majesty's Consul at Mogador, reporting the arrival on the 5th instant of Mr. James Curtis and Mr. Andrews from the Soos country, accompanied by a soldier of the Moorish Government and some boatmen from Agadeer. It appears, from the correspondence that has taken place between the Governor of Mogador and Consul Payton, that Mr. Curtis and Mr. Andrews had not been put under restraint at Mogador, and that the Governor had requested the Consul to give him a document acknowledging that the two Englishmen have been delivered into his hands. The conduct of Consul Payton, and his replies to the Governor of Mogador, appear to me to be discreet.

On the 9th instant Messrs. Curtis and Andrews left Mogador for the Moorish Court.

As Mr. Payton has forwarded by another channel a duplicate of his despatch, I am enabled to transmit it to your Lordship.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 99.

Consul Payton to Sir J. Drummond Hay.

Sir,

Mogador, May 17, 1883.

WITH reference to previous correspondence on the subject of the Soos and North African Trading Company's operations in Ait Bou Amran (or rather Ait Ba Amran),

I have the honour to report that Mr. James Curtis and a Mr. Andrews arrived here on the 5th instant, escorted, or accompanied, by about a score of Agadir fishermen or boatmen and a Government soldier. The party proceeded to the house of the Governor, Kaid Ragreggy, who recommended Mr. Curtis to rest for a day or two, and told him that a house was assigned to him. Mr. Curtis and Mr. Andrews went there, and guards were placed at the door; but in the evening Messrs. Braner, Grace, and Broome went to invite Mr. Curtis to supper. He went out, the soldiers trying to stop him, but he defied them, and they did not use force. He subsequently returned and slept there. On this incident correspondence arose between Kaid Ragreggy and myself, of which I transmit copies.

On Sunday, the 6th, no restraint was placed on Mr. Curtis, who went to church in full Arab costume, and subsequently called at this Consulate.

Kaid Ragreggy wrote to me on the 6th, and I replied to him on the 7th. I inclose copies of this correspondence also.

Your Excellency will observe that I was not asked by the Governor to arrest Mr. Curtis, or proceed against him. Moreover, Mr. Curtis reported to me that the Sultan had sent for him, and that he was going up to the Sultan.

The following is the substance of the information I elicited from Mr. Curtis in the course of conversations with him, and also from a man of Agloo, who had been down there lately:

He stated that he was not captured or arrested; that messengers came from the Sultan saying His Serene Majesty wished to see him; if he would go up voluntarily, well; if not, they were to leave him alone. He decided to go up, and some of the local Chiefs with him, after taking a few days to dispatch the steamer.

The Sultan's messengers and the local Chiefs went across country to Morocco, Mr. Curtis wishing to come round by Mogador to get some things here.

The place where the steamer landed cargo was Erksheesh, about a day's march—say 35 miles—south of Agloo or Agoulah, and about the same distance north of Assaka. The landing is said to be very good there in calm weather.

Mr. Curtis stated that he prevented bloodshed; that, but for him, the Sultan's soldiers would have been massacred. He said that he had a full answer to the charge of smuggling if it should be brought against him, but he questioned the jurisdiction of this Consulate for anything that had happened in Soos. (I told him that I had your Excellency's authority, and should certainly exercise jurisdiction if the Moorish authorities brought charges against him here.)

He stated that one of the messengers who came down from the Sultan proclaimed at a neighbouring fair that the port of Erksheesh was open for general trade!

At the same time, he said that the people down there were not subjects of the Sultan; also, that if the Spaniards went down there, they would meet a hostile reception.

Erksheesh would appear to be near the place marked in Jackson's map as Gueder, or "Port Hillsborough," and not far from the port or place where Jackson himself was invited by the local Sheikhs to establish a "British factory."

Mr. Curtis said that some natives down south thought that the place to be given to the Spaniards was a spot a little below Porto Cansado, called Aseela, or Arzeela, where there were some buildings; that there were none at Porto Cansado.

Others said the Spaniards were coming to Agloo; others to Sidi Mohammed ben Abdallah; others that the Spaniards and the Soos Company were to have a port between them; another rumour being that a steamer was coming to Rabat with Representatives of seven European Powers to open a port for general trade!

He said one Chief down there was paid by the Spanish Consul here to have him (Curtis) turned out, but he could not do it, because all the people sided with Curtis, and now the Spaniards wanted their money back.

He reported actual fighting of a skirmishing character going on among the tribes because they were jealous, each tribe wanting to have a port in its own district.

On the 9th May Mr. Curtis and Mr. Andrews started for the city of Morocco.

The men of Agloo said that Erksheesh was in the tribe of Sbouya, a very powerful tribe; that Curtis was not allowed to go on the steamer. That the neighbouring tribes would have fought against the Sbouya tribe, but when the Sultan's soldiers came down the Sbouya people said, "We are not afraid of you (the neighbours), but we respect the Maghsen, and now we will do nothing further until this question about a port is settled, and our Chiefs have been up to Court about it."

I have pointed out to your Excellency in a previous letter the specious prettexts

on which the Mogador sympathisers of the Soos Company attempt to justify late operations; but the warning contained in your Excellency's previous despatch, and which was published here and copied into the "Times," is in itself a sufficient answer to their allegations.

I regret that I did not send this despatch to your Excellency by last Friday's Spanish courier,—but we were then expecting both a French and English steamer.

To-day it is reported that the French steamer "Georgie" has been lost, and that the "Empusa," which is expected to-morrow from Saffi, will be delayed by having to go down to Agadir to discharge some barley there.

I hear that Abr. de J. Bensande has returned from Morocco, but I have not yet heard what is the result of his Petition to be allowed to retain the house formerly occupied by Mr. Curtis.

I have, &c.
(Signed) CHAS. A. PAYTON.

Inclosure 2 in No. 99.

Kaid Ragreggy to Consul Payton.

(Translation.)

(After customary salutations.)

Mogador, May 5, 1883.

LEARN that the merchant, James Curtis, having come by our Lord's order from the part of Soos where he was, I lodged him in one of the Government houses in this kasbah until I should consult our Lord about him. Now, I am informed that the merchant, John Grace, and the merchant, Braner, came to him and took him out of that place, in what manner I am not aware. I request you to reply to me respecting this, that I may write to our Lord.

(Signed) RAGREGGY.

Inclosure 3 in No. 99.

Consul Payton to Kaid Ragreggy.

(Translation.)

(After customary compliments.)

Mogador, May 5, 1883.

I HAVE just received your letter, at a somewhat unusual hour, about the Englishman, James Curtis.

I do not at present understand the case, as you do not tell me of what he is accused, nor how it is that he came under your authority and not mine; nor do I understand how it is that you did not even inform me that you had imprisoned him, or placed him in a house from which he was not to be allowed to walk out.

I therefore cannot, until I know more of these things, do anything in the matter of the English merchant, John Grace, who, you say, went with some others and took him away from the house to which you sent him.

You speak also of Mr. Braner—with him I have nothing to do; he is a Consular officer, amenable to the jurisdiction of his Minister at Tangier.

But, as to Mr. J. Curtis himself, I have received no official intimation of charges against him, and until I receive such can say nothing as to the hearing of such charges or his safe keeping.

I am always ready to hear any charges which may be brought against any English subject by any one, from the Court to the humblest person, and if the charges should be of sufficient gravity to demand measures to secure the appearance of the accused I should know how to take such measures; but from the moment you assume responsibility in the matter mine ceases until such time as a complaint is brought against him, or his appearance seems to me necessary to be secured.

(Signed) CHAS. A. PAYTON.

Inclosure 4 in No. 99.

Kaid Ragregy to Consul Payton.

(Translation.)

(After customary salutations.)

Mogador, 27 Jumad II (May 6, 1883).

AT this moment I have received a despatch from our Lord, mentioning the capture of the merchant, James Curtis, who went to Ait Boamran without the orders or any other Government, and sold food-stuffs there on a basis of smuggling. Our Lord ordered that he should be delivered to the Governor of Tizneet, who should send him to my Vice-Governor at Agadir, and that he should send him on to me. And our Lord orders me, on the merchant, James', arrival, to hand him to you, and obtain from you a statement, sealed with your seal, saying that you have received him, and that I am to give you formal notice in writing that the Government have been active on his behalf this time, specially enjoining the Governors in that district to be careful that no harm should befall his life. But, should he repeat his journey in that direction, he alone will be responsible for what may happen to him, nor will the Government entertain any representation which may be made on his behalf.

And now I beg you to inform me to what place I shall send him, that he may reach you.

(Signed) RAGREGY.

Inclosure 5 in No. 99.

Consul Payton to Kaid Ragregy.

(Translation.)

(After customary salutations.)

Mogador, May 7, 1883.

I HAVE received your letter of yesterday, in which you tell me that the Sultan has instructed you to hand over to me the Englishman, James Curtis, who you state has been engaged in irregular and unauthorized transactions in Ait Boamran, and has carried on the selling of food-stuffs there in a manner which amounts to smuggling, and has been seized down there by the order of the Sultan and sent to Mogador. And, in spite of the disapproval I must feel for Mr. Curtis' unlawful proceedings, yet, as he is an Englishman, I must be grateful for the kind care taken by the Moorish Government for his life, so that he has reached here safely.

Since I received your letter yesterday morning, Mr. Curtis himself came to me, unaccompanied, and, as he came voluntarily, and was not sent by you, I cannot certify that I received him from your hand, but I can certify that he arrived here safely from the south, and presented himself before me.

And the warning which you communicate to me, that he should not go thither again, nor repeat such unlawful proceedings, I shall impress upon him strongly, and I have already told him that, if the Sultan's Government should desire to prosecute him for the things he has done, the charges against him would have to be heard by me, or some other Representative of our Government. And, if I understood that the said James Curtis were still in your custody, I would ask you to send him to me here; but, as I understand that he is going about freely, perhaps it may be better that I should send for him and communicate to him the protest and warning contained in your letter.

(Signed) CHAS. A. PAYTON.

No. 100.

Sir J. Drummond Hay to Earl Granville.—(Received June 4.)

(No. 42.)

My Lord,

Tangier, May 28, 1883.

I HAVE the honour to transmit herewith copy of a letter, marked semi-official, dated the 18th instant, addressed to me by Consul Payton, reporting the proceedings of Spanish officers with regard to the alleged intention of the Spanish Government to occupy the site ceded to Spain by Treaty on the southern coast of Morocco.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 100.

Consul Payton to Sir J. Drummond Hay.

Dear Sir,

Mogador, May 18, 1883.

REFERRING to my semi-official letter of the 5th instant on the subject of Spanish movements, I have now to report that the Spanish aviso "Ligera" arrived again yesterday from Teneriffe, bringing some more officers—engineers, I believe.

A Conference has been held to-day at the Spanish Consulate, at which the Moorish Commissioners and Kaid Dahman ould Beiruch, of Wadnoon, were present.

It is reported that the "Ligera" is going to-morrow to Agadir, and will go over thence to the Canaries, to take across some 300 soldiers who came from Cadiz.

I believe that a reply has been received from Court to the questions raised by the Spanish Commissioners as to locality.

When Mr. Curtis was here the Spanish Consul was very eager and diligent in questioning him about the country, people, &c., down south.

Yours, &c.

(Signed) CHAS. A. PAYTON.

P.S.—The "Ligera" went back to Canaries this evening, taking with her the Captain-General of those islands. The other gentlemen remaining here are Don Juan de Leon y Castillo, Engineer of Roads, &c.; Don Pedro del Castillo, Comandante de Marina; Don Ramon Jandenes, Comandante de Estado Mayor; Don Salvador Bethencourt, Comandante de Ingenieros Militeres.

C. A. P.

No. 101.

Earl Granville to Viscount Lyons.

(No. 569.)

My Lord,

Foreign Office, June 4, 1883.

THE French Ambassador called upon me by appointment this afternoon, and asked me whether I could tell him the decision of Her Majesty's Government with regard to the proposed abandonment of the Capitulations in Tunis and the recognition of the new Courts established there, adding that M. Challemel-Lacour would consider it a favour to have an early answer.

I said that the matter involved various considerations, and had been in the hands of the several Departments interested. I hoped to be able to communicate our reply to the French Government very shortly, and there would be no unnecessary loss of time.

M. Tissot said that he trusted that we should accept the French proposals in this case, in the same way as the French Government had accepted ours with regard to Cyprus.

I said that I could not give him detailed information at present, but that the reply would in substance be favourable, though it would be necessary for us to make certain reserves.

M. Tissot then asked if I had any communication to make to him.

I asked him if he had instructions to speak to me on any subject.

His Excellency replied that he had not, but that he had thought it possible that I might wish to make some statement to him.

I said that I was not aware at the moment of anything that I wished to say.

I am, &c.

(Signed) GRANVILLE.

No. 102.

Mr. Reade to Earl Granville.—(Received June 5.)

(No. 25.)

My Lord,

Tunis, May 26, 1883.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 8 of the 5th instant, asking whether the Bey of Tunis has, up to this date, issued any Decree altering the local law relating to real property.

In reply, I beg to state that no such Decree has been issued.

It appears, however, to be probable that pressure is being applied to induce His Highness to extend the jurisdiction of the new French Tribunals to all cases of disputes as to real property in which European subjects are concerned. I need scarcely point out that such an arrangement would amount to a virtual abrogation of the Convention of the 10th October, 1863.

I have, &c.
(Signed) THOS. F. READE.

No. 103.

Mr. Massa and other Maltese of Susa to Earl Granville.—(Received June 5.)

(Translation.)

My Lord,

Susa, Tunis, May 25, 1883.

WITH the most profound respect, we, being British subjects resident in this city, have the honour to inform you that, about twenty-two months back, our dwellings were sacked by the Arabs, and that we have not failed to lay our formal protest and Petition before Her Britannic Majesty's Vice-Consul. We regret to say that up to date we have received no reply.

My Lord, we will not detain you long; but we beg also to inform you that not only did the Arabs rob, seize, and destroy that which lawfully belonged to us, but that also certain British subjects were massacred in the most barbarous manner, and that the poor widows and orphans of the victims are at this moment in the most deplorable state of misery. These last unfortunates raise to heaven their earnest prayer that by permission of your Excellency they may obtain that which is their right, seeing that it is an unheard-of thing (?) that British blood should be innocently shed on barbarous soil. The excellent and brave Commander of Her Majesty's ship (frigate) "Monarch" can bear testimony to the truth of what we say.

The people of Sfax have received more or less compensation for their losses, but the banner of our great nation covers its subjects as well at Susa as at Sfax.

My Lord, we are sure that you will take our Petition into consideration, and that, through your high influence, we will obtain that which is lawfully our due.

Thanking you beforehand, we pray you to believe, &c.

(Signed) C. MASSA.
(And 20 others.)

No. 104.

M. Mancini to M. Catalani.—(Communicated to Earl Granville by M. Catalani, June 6.)

(Télégraphique.)

Rome, le 5 Juin, 1883, 5 h. 40 m. soir.

C'EST avec bien du plaisir que nous acceptons d'échanger avec Lord Granville nos vues au sujet de la juridiction Consulaire à Tunis. Je serai en quelques jours en mesure de vous remettre un Mémoire là-dessus que vous pourrez communiquer à sa Seigneurie.

Nous attribuons en attendant le plus grand prix à connaître dès aujourd'hui, au moins les lignes principales de la réponse que le Cabinet Britannique se propose de faire aux ouvertures Françaises.

Il nous serait enfin particulièrement agréable d'être assurés que la réponse Anglaise ne sera faite qu'après notre échange de vues.

No. 105.

Earl Granville to Sir A. Paget.

(No. 133. Confidential.)

Sir,

Foreign Office, June 6, 1883.

THE Italian Chargé d'Affaires asked me in conversation on the 4th instant what reply Her Majesty's Government intended to give to the French proposal for the abandonment of the Capitulations in Tunis.

I said that we were considering the subject, and I asked him what course the Italian Government intended to take.

M. Catalani said that he would telegraph to M. Mancini to inquire.

He has now communicated to me the telegram, of which I inclose a copy,* but I have informed him that I am not yet in a position to give him the information desired by his Government.

I am, &c.
(Signed) GRANVILLE.

No. 106.

Mr. Cole to Sir J. Pauncefoot.—(Received June 7.)

Sir,

Treasury Chambers, June 5, 1883.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your letter of the 2nd instant relative to the abandonment by Her Majesty's Government of Consular jurisdiction in Tunis, and to acquaint you, for the information of Earl Granville, that by a letter of this day's date my Lords have directed their solicitor to instruct Sir Francis Reilly to place himself in immediate communication with you, with a view to arranging the terms of a draft Order in Council to carry out the necessary arrangements in respect of the course proposed.

I have, &c.
(Signed) J. H. COLE.

No. 107.

Mr. Reade to Earl Granville.—(Received June 9.)

(No. 26.)

My Lord,

Tunis, May 31, 1883.

THE question of the alleged increase of crime in the city of Tunis having lately attracted a considerable share of public attention, I feel it incumbent on me to submit certain observations on the subject for the consideration of your Lordship. I am especially led to do this, as the attitude of this Office has been impeached in a way I can only characterize as unjustifiable and uncalled for.

The policy adopted by the French authorities in the present instance is, I believe, attributable to their desire to prepare the way for the abrogation of the "Capitulations," by the creation of a show of reason for undertaking the administration of the local police.

It cannot be denied that bad characters of all nationalities congregate in Tunis, as well as in other cities on the shores of the Mediterranean, and there is no doubt that the number of this undesirable class of colonists has increased here since the recent exodus of Europeans from Alexandria. The principal thieves are Greeks, who contrive to lead gangs of Maltese and Sicilian malefactors in committing acts of robbery and burglary. Their offences are as a rule unaccompanied by violence, although latterly deadly weapons have been used in isolated cases.

This state of things has been made the excuse not only for attacking the local police, but for accusing some of the foreign Missions and Consulates, and Her Britannic Majesty's amongst the number, of neglecting culpably to assist the Tunisian authorities in maintaining public security.

Your Lordship is aware that we have no kind of police officer attached to this Consulate except the native janissaries, whose duties are, strictly speaking, those of guards and messengers. Notwithstanding this disadvantage (the Italian and French Consulates having each of them a police inspector in its employ), the Chief Clerk, M. Carbonaro, has devoted his best energies in attending day and night to all the demands of the police in respect of British subjects, and, as a natural consequence of this surveillance, the misdoings of the Maltese criminals have been notably lessened, if not altogether checked. Dr. Arpa has also (so far as English law and procedure will allow him) done his best to deal promptly and severely with the prisoners brought before him.

In dealing, however, with accused persons, our legal system is not either so

arbitrary or inquisitorial as that which the French Codes provide, and it would, therefore, be difficult to satisfy the French in all cases; but I was no less pained than astonished the other day to hear M. Cambon say that cases had occurred of the releasing without further inquiry of criminals brought to the Consulate by the police, and of some also who had been arrested *in flagrante delicto*. I entreated M. Cambon to give me the particulars of all or any of the occurrences to which he alluded, and at the same time myself instituted a searching inquiry into the matter. The allegation I found without foundation and absurd, and although M. Cambon promised to furnish me with the information I sought for, it has not to this day been forthcoming. Inclosed I beg to annex a copy of a note I wrote to M. Cambon on the subject.

Some time after our conversation, a charge of alleged complicity in a robbery was made by a French Jew against a well-known Maltese innkeeper. The accusation turned out to be wholly unfounded, so much so, that the French Police Inspector entirely agreed with Dr. Arpa, that it could not in any way be sustained. Indeed, it had all the appearance of a deliberately false charge. After the case was dismissed I received a letter from M. Cambon, of which a copy is herewith respectfully submitted, citing this particular affair as an instance of our perfunctoriness. I immediately called on Dr. Arpa for a Report on the subject, and am enabled, with your Lordship's permission, to now submit a copy of that gentleman's explanation, as well as a copy of my reply to M. Cambon.

It is with much reluctance that I have ventured to trouble your Lordship on the present occasion, but the unworthy tactics to which I have latterly been subjected by the French authorities compel me to do so. M. Cambon proceeds next week to Paris, with the avowed object of endeavouring to obtain at once the abolition of the Capitulations, and I am anxious your Lordship should be in possession of the facts I have narrated, in case the question of police jurisdiction be used as an argument in favour of that object.

I have over and over again told M. Cambon the French gendarmes would do me a favour if they effected the arrest of Maltese offenders, provided, of course, that the latter were immediately surrendered to Her Majesty's Consulate; and I need scarcely add that I shall continue to use every effort in my power to assist the local police in the discharge of their duties, and afford thereby no ground whatever for any reasonable complaint.

In connection with the general subject of police administration, I must beg to further report that, at a meeting of the Consuls which was held some days ago for the express purpose of discussing the question of the local police, a series of Resolutions was passed for submission to the Bey, of which I beg also to inclose a copy. In consequence of this expression of opinion, extended powers of arrest (especially in the case of suspected persons) have been accorded to the police, and there is reason to hope that, as matters now stand, the police will be able to maintain order—in the same manner as they were accustomed to do for many years previously to the French occupation, and that public confidence will be satisfactorily re-established.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 107.

Mr. Reade to M. Cambon.

Cher M. Cambon,

Tunis, le 21 Mai, 1883.

JE n'ai pas pu trouver au Consulat aucune confirmation de ce qu'on vous a raconté sur la mise en liberté des criminels arrêtés en flagrant délit. Quelquefois un Maltais se trouve arrêté pour vol ou pour autre délit. Il arrive au Consulat accompagné de son accusateur, mais sans qu'il y a la moindre preuve de sa culpabilité. Dans ce cas, on exige de lui une caution pour qu'il se tienne à la disposition du plaignant, le jour que ce dernier veuille procéder contre lui devant le Tribunal Consulaire, et il est alors mis en liberté. Dans le plus grand nombre des cas, le procès n'est pas entamé.

Si, à l'égard des cas que vous avez mentionné ce matin, vous pourriez me fournir les noms des Maltais qu'on suppose avaient été libérés sans raison, quoiqu'on avait porté contre eux des plaintes sérieuses, je vous serais infiniment obligé. Dans le cas

qu'il serait difficile de reconnaître les Maltais, les plaignants pourront de nouveau se présenter au Consulat.

Veuillez, &c.
(Signé) THOS. F. READE.

Inclosure 2 in No. 107.

M. Cambon to Mr. Reade.

M. l'Agent et Consul-Général, Tunis, le 21 Radjeb, 1300 (le 28 Mai, 1883).

UN Israélite, protégé Français, le nommé Ibrahim Simon, se plaint d'avoir été victime d'un vol. Dans la soirée de Mardi dernier, quatre individus se sont jetés sur lui au sortir du café Hellénique à 11 heures et demie du soir, et lui ont enlevé sa montre et son porte-monnaie. Ibrahim Simon avait été entraîné dans ce café par un Maltais, le nommé Giuseppe, aubergiste, Rue Sidi Mordjani, qui a eu soin de le faire sortir par une porte de derrière et de le retenir sur le pas de la porte pour laisser s'éloigner des officiers qui passaient. A son insistance à conduire Ibrahim Simon au café Hellénique et à diverses circonstances inexplicables, celui-ci prétend reconnaître la complicité de Giuseppe avec les malfaiteurs. Cet aubergiste lui a en outre déclaré qu'il avait reconnu un des voleurs.

La police de Tunis informée de ce méfait a conduit le Maltais Giuseppe à votre Consulat, d'où il a été immédiatement relâché, sans qu'il ait été procédé à son interrogatoire. Je vous serai reconnaissant de vouloir bien me faire connaître le résultat de l'instruction qui sera sans doute poursuivie sur cette affaire.

Agrérez, &c.
(Signé) PAUL CAMBON.

Inclosure 3 in No. 107.

Dr. Arpa to Mr. Reade.

Sir,

Tunis, May 28, 1883.

I HAD the opportunity of hearing the statement made by the French Jew mentioned in M. Cambon's despatch to you of the 28th instant, in the presence of the French Delegate, M. Santini, who kindly attended at my request, accusing M. Zarb, a well-known person here, as being an accomplice in a robbery of which the Jew alleged being a victim.

His statement was conflicting, and his demeanour was rather suspicious, so much so, that M. Santini and myself thought that inquiries ought to be made about him, and M. Santini undertook to telegraph to the French authorities at Algiers, whence the man was coming, to know who he was. M. Santini did in fact sit at a table in the Chancery writing what I thought was the telegram in question, and I expected to hear more about the man.

To my recollection, the French subject did not say that he passed with Zarb by a back door, but that they went round by the main street leading to the Italian Railway, passing by the Maison Dorée Street to go to Zarb's house, where the Jew was living.

This man said that he had been domiciled in Algiers, where he earned 5 fr. a-day, and that, notwithstanding, he thought proper, leaving the place of his domicile, to come to Tunis, where he found nothing to do.

He also said that, on leaving Algiers, he was in possession of 340 fr., which he had economized; that he had lived fifteen days in Tunis, where he had expended about 60 fr.; and that he was in possession of 208 fr. when he was robbed, which he lost, together with a gold watch worth 210 fr. M. Santini told him that he must have had more money when he was robbed, as his calculation did not tally.

M. Santini also said that that man had asked him to relieve him as a distressed French subject some time before; he wished to have his passage back to Algiers paid by the French Consulate. These contradicting statements were considered to throw bad light on the man's charge against M. Zarb, who is known here as a respectable man.

It was also considered that had Zarb wanted to steal the Jew's property, he had ample opportunity of doing so at his place, where he was living, without resorting to

the instrumentality of several other people, and that his share in the booty would have been so small as not to justify the presumption that Zarb, who is, I understand, well off, might have been a party to such a wicked action.

However, though his unsupported statement was very uncertain, the Jew was told that he was at liberty to make his charge against Zarb, if he insisted upon it, through his own Consulate, which he never did as far as I know, and he is still at liberty to do so.

As to the "interrogation" mentioned in M. Cambon's letter, I may say that there is no such thing in the English law.

I have, &c.
(Signed) F. ARPA.

Inclosure 4 in No. 107.

Mr. Reade to M. Cambon.

Excellency,

Tunis, May 29, 1883.

I BEG to acknowledge the receipt of your official letter of yesterday's date, asking for information as to the alleged improper release of one Carmelo Zarb, the proprietor of a Maltese inn in the Sidi Morgiani. On receipt of your letter I immediately called on the Judge for an explanation of the circumstances of the case, and I now beg to inclose copy of it.

I can generally confirm the remarks of Dr. Arpa. No money security was taken for the man's reappearance, as he is well known, and possesses house property in this city. Moreover, such a proceeding was unnecessary, as even M. Santini,* when appealed to by Dr. Arpa, appeared to agree there was no ground for the man's detention.

I feel bound to take this occasion of once more distinctly repudiating the allegation of the improper release of accused persons by this Office. Such an imputation is wholly unfounded, and I beg that any particulars on the subject may be forwarded to me, that the same may be at once investigated.

Her Majesty's Consulate-General will continue to use every effort for the suppression of crime amongst British subjects, to facilitate, as far as possible, the action of the local police, and promote the ends of justice.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 5 in No. 107.

Resolutions come to at a Meeting of Foreign Representatives with regard to the Police Administration.

Protocole.

LE Corps Consulaire réuni chez son Doyen, M. de Rameau, Consul-Général et Chargé d'Affaires d'Espagne, et sur son invitation, est tombé d'accord que :—

No. 1. Le Corps Consulaire est d'accord qu'il faut expulser tout homme dangereux pour la sûreté publique dès qu'il sera signalé par une autorité quelconque et qu'il ne pourra fournir une caution dont le Consul sera responsable.

No. 2. Dans le cas de flagrant délit, tout janissaire requis de quelque nationalité qu'il soit devra prêter main-forte à la police à la première invitation. Dans ce cas spécial, le janissaire n'agit que sous la responsabilité de la police locale.

No. 3. Son Altesse le Bey sera prié de réorganiser la police actuelle et d'en étendre les pouvoirs. La police pourra arrêter toute personne troublant la sécurité ou la paix publique, sans préalable permission de son Consul. L'arrestation d'un Européen devra être immédiatement communiquée au Consulat dont l'Européen se réclame.

No. 4. A côté de cette police locale et visible, une police en bourgeois composée d'Européens désignés par les Consuls dont ils ne dépendront pas et soumise au Directeur-Général de la police locale, pourrait être créée par Son Altesse le Bey pour surveiller plus étroitement la ville.

* Police Inspector attached to the French Residence.—T. F. R.

Le Corps Consulaire prie Son Altesse, si elle croit devoir faire droit à ses vœux, de lui faire connaître préalablement le projet de réorganisation qu'elle aurait l'intention de décréter.

Le Corps Consulaire prie M. le Doyen de faire parvenir ses vœux à Son Altesse le Bey.

Suivent les signatures :

(Signé) DR. THEODOROVICH.
READE.
NACHTIGAL.
RAYBAUDI.
MASSIGLIA.
PATIN.
Pour le Consul de Russie,
GHICA
Pour le Consul de Grèce,
MANIDAKI.
C. DE RAMEAU.

Tunis, le 19 Mai, 1883.

No. 108.

Sir J. Drummond Hay to Earl Granville.—(Received June 11.)

(No. 46.)

My Lord,

Tangier, June 5, 1883.

WITH reference to the despatches marked in the margin* on the subject of the proceedings of Mr. Curtis, the Agent of the North African Company in Soos, I have the honour to transmit extracts from a letter addressed to me by Her Majesty's Consul at Mogador.

It would appear that Mr. Curtis had proceeded to Morocco under the impression that the Sultan or the Vizier would grant him an interview; but he was not received by His Majesty, nor by any official at the Moorish Court.

There is no doubt that Mr. Curtis was conducted to Mogador by order of the Sultan, and it is not improbable that the officer who was directed to arrest him had, with Oriental subtlety and animated by a desire to avoid opposition, led Mr. Curtis to suppose that the Sultan desired to see him in person at the Court.

After the repeated warnings given by this Government, and the orders which it is reported have been sent to the Soos, it is to be apprehended that Mr. Curtis, or any other agent who may be dispatched to that coast to treat with the inhabitants regarding the landing of goods in contraband, will run great risk of losing their lives and property.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 108.

Consul Payton to Sir J. Drummond Hay.

(Extract.)

Mogador, May 30, 1883.

REFERRING to my No. 19, Consular, on the subject of Mr. Curtis' arrival and subsequent proceedings, I have to report that Mr. Curtis and Mr. Andrews returned here on the 25th instant from Morocco, where they did not succeed in seeing either His Serene Majesty or the Vizier.

Kaid Maclean also, to whom Mr. Curtis wrote applying for a house, informed him, I am told, that, under the circumstances, if he had brought no letter from your Excellency, he must decline to see him.

I understand that Mr. Curtis professes great indignation, saying he finds that the Sultan's "invitation" to him was a mere subterfuge to get him away from Ait Ba Amran, and he mysteriously intimates that he and his friends will find means of paying the Sultan out for it.

It was reported that he intended immediately to proceed southwards again, but I

* Nos. 60, 62, 66, 84, and 99.

now hear he may very likely be a passenger per "Les Vosges" on her return from the Canaries (whither she sailed hence yesterday), *en route* for London.

I would respectfully submit to your Excellency that Mr. Curtis and other Mogador adherents of the Company have by their action shown themselves as defiant of both the British and Moorish Governments, and can hardly be deserving of much official support as to any claims, &c.

There appears to be nothing new about the Spanish expedition.

No. 109.

Sir A. Paget to Earl Granville.—(Received June 11.)

(No. 170.)

My Lord,

Rome, June 7, 1883.

I HAD an interview with M. Mancini yesterday, in the course of which his Excellency referred to the Circular of the French Government relative to the abolition of Consular jurisdiction, and its substitution by French Tribunals, in Tunis.

His Excellency showed me a telegram from M. Catalani, reporting a conversation with your Lordship on this subject, in which your Lordship is represented as having expressed yourself disposed to agree to the French proposal with some reserves, and desirous, if possible, of acting in agreement with the Italian Government upon it.

M. Mancini proceeded to say that in principle he had from the first expressed his readiness to agree to the abolition of the Consular jurisdiction, but that he had asked for some concrete proposal from the French Government as to the nature of the Tribunals by which it was to be replaced, and the laws which they were to apply.

He had subsequently, he said, discussed the subject with M. Decrais, the French Ambassador, informing him at the outset that he wished to speak on it, not as Minister for Foreign Affairs, but as a juriconsult.

Treating it from this point of view, he had, he said, observed to M. Decrais that in regard to criminal matters he quite admitted that the French Penal Code must be the one to be acted on by French Tribunals, but the case was different in regard to certain classes of civil suits, for instance, family contestations, the right of succession, obligation of contracts, &c., which, under the Consular jurisdiction, were settled according to the law of the country to which the individuals belonged. The laws of other countries differed from the French law in regard to such matters, and it would be a hardship for persons who had entered into contracts and arrangements under the laws of their own country to have their affairs settled under a different system. Contestations, disputes, and appeals to foreign Governments could hardly fail to result therefrom. He therefore urged the French Ambassador to obtain from his Government some positive indication as to the manner in which it was proposed to meet this difficulty, but he had as yet, he said, received no information whatever on the subject. He believed, indeed, that his observations had been received in Paris as an indication of a desire on his part to evade giving a direct answer to the proposal of the French Government.

Such, his Excellency declared, was very far from his wish. He had no desire whatever to create difficulties; on the contrary, his object was that the question should be so arranged as to prevent the occurrence of difficulties and embarrassments in the future, and so much was this the case, his Excellency added, that failing any communication from the French Government, he intended to apply himself to drawing up a plan by which these difficulties and embarrassments might be avoided, and when it was completed he would send it, he said, to London, to be communicated to your Lordship, before communicating it to the French Government.

M. Mancini's idea is, I believe, that the French Tribunals should be empowered to apply the laws of foreign countries instead of French laws in cases of the category alluded to in which other than French subjects are involved.

I have, &c.
(Signed) A. PAGET.

No. 110.

Mr. Reade to Earl Granville.—(Received June 12.)

(No. 27.)

My Lord,

Tunis, June 5, 1883.

I HAVE the honour to inclose a copy of an application I received, some days ago, from the French Consul-General, as to the proposed examination by Commission of military witnesses who may be required to give evidence before Her Majesty's Consular Court.

I called on Dr. Arpa to report on the subject, and I have the honour to transmit a copy of his statement in reply.

The object of the proposal is generally considered to be an endeavour to apply the principle of the thin end of the wedge to the question of Consular jurisdiction.

I have answered that (pending any instructions your Lordship may be pleased to give me in the matter) I can only conform to the request, in so far as the provisions of the Order in Council will permit me to do so. A copy of my answer is also respectfully annexed.

My colleagues of Italy, Spain, Germany, and Austria have replied in a similar sense to a similar communication from the French Consul-General.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 110.

M. Patin to Mr. Reade.

M. et cher Collègue,

Tunis, le 30 Mai, 1883.

JE viens de recevoir de M. le Ministre Résident la lettre dont je m'empresse de vous transmettre ci-joint la copie.

Je vous serai obligé, après avoir pris connaissance de cette communication, de vouloir bien me faire connaître votre opinion sur le moyen terme proposé.

Veillez, &c.
(Signé) PATIN.

Inclosure 2 in No. 110.

M. Cambon to M. Patin.

M. le Consul,

Tunis, le 30 Mai, 1883.

IL est arrivé assez souvent que MM. les Représentants des Puissances étrangères ont demandé la citation comme témoins devant le Tribunal de leur juridiction de MM. les Officiers du Corps d'Occupation.

M. le Général-en-chef, à qui j'ai transmis ces demandes, s'est efforcé d'y réserver un accueil favorable, mais il ne m'a pas caché que, dorénavant et en vertu des règlements militaires, il lui serait difficile de continuer à donner les autorisations nécessaires.

En l'état, j'ai pensé qu'il y aurait lieu d'adopter un nouveau terme qui consisterait à accueillir les dépositions de MM. les Officiers devant nos Magistrats en vertu d'une Commission Rogatoire. Je vous serai obligé en conséquence, M. le Consul, de vouloir bien soumettre cette proposition à l'assentiment de vos collègues et de me faire connaître leur décision.

Agréez, &c.
(Signé) PAUL CAMBON.

Inclosure 3 in No. 110.

Dr. Arpa to Mr. Reade.

Sir,

Tunis, June 1, 1883.

IN reply to your letter of the 31st ultimo, inclosing one from the French Consul-General to you, on the subject of the examination of French officers as witnesses before Her Majesty's Court for Tunis, asking me to report on the legal aspect of the question, I have the honour to say that, as a rule, all evidence is taken *vivâ voce* before the

Court. In criminal cases this must be done in the presence of the accused, both on the preliminary examination ("procès d'instruction") and at the trial; and both in civil and criminal cases the adverse party or the accused has the right to cross-examine the witnesses. The Court has also the right to put questions to the witnesses.

Evidence is only taken by commission in cases where witnesses reside out of the jurisdiction. In a civil case an affidavit or declaration sworn out of Court is admissible as evidence, but this is open to the objection of want of opportunity of cross-examination on the part of the opposite side; and in this case the affidavit is inadmissible.

I shall be most willing to co-operate in any endeavour to devise a scheme whereby the trouble may be spared to officers of the French army to appear before this Court when their deposition may be required in any civil or criminal case, but I am afraid that the system of taking evidence by the French magistrates by commission is not practicable.

I have, &c.
(Signed) F. ARPA.

Inclosure 4 in No. 110.

Mr. Reade to M. Patin.

Sir,

IN reply to your letter on the subject of the examination of military officers on commission, I have the honour to inclose the accompanying copy of a Report which has been submitted to me by Her Majesty's Consul and Judge. I regret that, under the circumstances, I shall only be able to conform to the suggestion of examining the military witnesses on commission, in so far as the provisions of Her Majesty's Order in Council of the 12th December, 1873, will permit me to do so.

I have, &c.
(Signed) THOS. F. READE.

No. 111.

Mr. Reade to Earl Granville.—(Received June 12.)

(No. 28.)

My Lord,

Tunis, June 6, 1883.

IN accordance with the request of the Representative in this country of Mr. M. de J. Levy, of London, I have the honour to submit to your Lordship's consideration the inclosed copy of a Petition which has been addressed to me with reference to a claim that gentleman has put forward against the French military authorities at Gabes in respect of a piece of ground and store belonging to him, which they have taken possession of and utilized for their own purposes, and without his (Mr. Levy's) sanction or authority.

I beg also to submit a copy of some notes which Mr. Levy's agent at Gabes has drawn up of a conference he had had on the subject with the military authorities referred to, and a copy of my letter communicating Mr. Levy's Memorial to the French Minister-Resident.

Mr. Levy's Petition speaks for itself. That he has a strong case is admitted by the French themselves, but I fear there is little probability of a common understanding being come to as to the amount of indemnity to be paid, and the little inclination hitherto evinced by the French authorities in this country to settle anything, however simple or unimportant, is certainly not encouraging.

I shall not fail, however, to communicate to your Lordship any reply I may receive to the present application.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 111.

Mr. Broadley to Mr. Reade.

Tunis, June 1, 1883.

Sir,

I HAVE the honour to acknowledge, on behalf of Mr. M. de J. Levy, of London, the receipt of your communication of the 29th May, transmitting, for the information of Mr. M. P. Levy as his agent, a letter addressed to you by M. Paul Cambon, Resident of the French Republic at Tunis, inclosing a communication from the General in command of the French "corps d'occupation" in the Regency of Tunis, concerning the claims of Mr. M. de J. Levy against the French military authorities for the occupation of his store and land at Gabes since the month of July 1881.

Mr. M. P. Levy cannot conceal his surprise at the contents of the last-named document, and I hasten to inform you that there is no possibility of either Mr. M. de J. Levy or himself adhering, as requested by M. Cambon, to the conclusions therein contained. In order to facilitate an arrangement of the claim, Mr. M. P. Levy attended, at the official request of Colonel Dressel, Commander of the Engineers, a conference of French officers, which was held at Gabes on the 2nd April last, in order to investigate and determine the matter. What passed on that occasion you will accurately learn from the subjoined Memorandum of the proceedings of the conference which was made by Mr. M. P. Levy at the time.

You will perceive on a perusal of the note in question that, after considerable discussion on both sides, the final offer made by Mr. M. P. Levy was to accept 20,000 fr. for the store, 75,000 fr. for the land (15,000 metres), and 8,000 fr. for the two years' rent, making in all a total of 103,000 fr. This proposal involved a diminution of 17,000 fr. on the original proposal of Mr. M. de J. Levy, and was consented to by Mr. M. P. Levy, at the urgent request of the Colonel who presided at the conference.

The most cursory examination of the circumstances surrounding the claim of Mr. M. de J. Levy will convince you of the extreme moderation of his original demand, and the complete impossibility of his accepting the proposals contained in the letter of General Forgemol, and which were never even hinted at during the conference.

Prior to the French occupation at Gabes, Mr. M. de J. Levy leased the store (the actual value of which is over 1,000*l.*) to Mr. Tajar, of Malta, at a nominal rent of 80*l.*, in order that the latter should collect therein large quantities of esparto-grass, which were consigned exclusively to Mr. M. de J. Levy to sell in England on commission. The profits accruing to Mr. Levy from this business may be roughly estimated at not less than 2,000*l.* per annum. The forcible occupation of the premises by the French military authorities since July 1881 has deprived Mr. M. de J. Levy alike of the rent and of the profits arising from Mr. Tajar's tenancy.

At Gabes, as in all other parts of the Regency, real property has greatly risen in value since the French occupation. Mr. M. P. Levy is in a position to prove that land adjoining the 15,000 metres, which form the subject of the present dispute, is now actually rented at 1.50 fr. per square metre per annum, and that the property of Mr. M. de J. Levy should therefore in reality yield an income of 27,500 fr., which at 5 per cent. per annum represents a capital of over 500,000 fr.

In addition to this, there is a prospect of its receiving a further enhancement of value by the proposed construction of the inland sea in its vicinity.

Notwithstanding these facts, Mr. M. de J. Levy demanded only 120,000 fr., apportioned as follows, viz.: 20,000 fr. for the two years' rent of the store and land, 25,000 fr. for the purchase of the buildings, and 75,000 fr. for the land.

Mr. M. P. Levy is now compelled in the most formal manner to withdraw the proposals made by him at Gabes on the 2nd April, with a view to an amicable solution of the difficulty. Mr. M. de J. Levy is willing, however, to once more offer to accept from the French authorities, in satisfaction of his claim, the sum of 120,000 fr. in the proportions already detailed. If this proposal is not accepted before the 1st July next, he formally demands that the present occupants of his property shall evacuate the same on or before that date; that they shall restore it to him in precisely the same state as when they entered upon it; and that they shall pay to him the sum of 20,000 fr. on account of two years' rent of the store and lands.

I have therefore to request that you will be pleased to transmit a copy of this letter to M. Paul Cambon for the ends therein set forth, and that a copy of the same, as well as of all the documents annexed, be forwarded by you to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, in the respectful hope that

Her Majesty's Government will be pleased to support Mr. M. de J. Levy in the moderate and equitable claim which the illegal conduct of the French authorities at Gabes has unwillingly forced upon him.

I have, &c.

(For Mr. M. de J. Levy, of London),
(Signed) A. M. BROADLEY, Barrister-at-Law.

Inclosure 2 in No. 111.

Notes by Mr. Levy's Representative at Gabes on the Conference held by him with the French Military Authorities there.

THE Captain of the "corps de Génie" opened the proceedings by asking me what proposition I had to make them.

I answered, "You wrote to me to come here to settle the affair, and I am expecting to hear what it is you have to propose."

He then read a paragraph from the letter received from Mr. Levy, of London, in which he says that the military authorities prevented his agent from entering the store to find out in what condition it was, and whether the soldiers had damaged it. He said that this was not true, and that no official demand was made to do so. To which I said that Mr. Tayar's (of Malta) agent had written so to Mr. Levy, of London.

2. The Captain then said that since the day the French had taken possession of the store nobody had presented himself on behalf of Mr. Levy to claim the rent or to effect the sale of it.

To which I replied, that when the French had first taken possession of the store and land the Arabs were in revolt, and it was necessary to them; but now that peace was restored I asked them to deliver to me my property. I told them that at Tunis I had seen Captain Duval, of the "corps de Génie," with regard to the affair, and he told me that on his return to Gabes he would write to me on the subject, which he has never done, which leads me to believe that he never returned to Gabes.

3. The Captain then asked me again what proposals I had to make them.

I answered that the following proposal was made by Mr. Levy, of London, himself, viz., 10,000 fr. a-year for rent of the store and land, or otherwise 100,000 fr. for the purchase of the property, with an indemnity of 20,000 fr. for the two years the French had occupied it. This demand, he said, was too exorbitant, because they had purchased land from other land-owners at the rate of 25 centimes the metre.

To this I replied that everybody was at liberty to do what they liked with their property, but that I was not disposed to sell mine at less than the figure demanded; and that, after the events that had taken place in 1881, property had immensely increased in value, and that it was my opinion that, if I had been at liberty to dispose of the property, I would have been able to obtain for it more than 30,000 fr. a-year for rent, and that I could have disposed of it altogether for 250,000 fr. at least.

They retorted that I was exorbitant in my demand, and that, if I was a Frenchman, they would have exercised their right of expropriating me, appointing two experts to value the property. I replied to that, that this was a different case, and that we were not in France. They then said that, Mr. Levy being an Englishman, they could not, of course, proceed in this matter.

"Even if I was a Frenchman," I said, "I would have upheld my rights in the same manner, and you know very well that, in the eyes of the law, every man has the right to have justice done to him." The Colonel Commanding-in-chief at Gabes, after a long discussion, concluded by saying that I ought to be more reasonable in my demands, so that we might come to some agreement, and they asked me to submit to them another proposition. "Very well, then," I said, after some consideration, "to show you that I wish to meet you in the matter, I am willing to sell the property as follows:—

	Francs.
The store at	20,000
The lands: 1,500 square metres, at 5 francs	75,000
And rent, 2 years' occupation	8,000
Making a total of	103,000

Leaving it to their option to buy the store and lands, or otherwise to deliver me the property in the same condition as when they took possession of it. They replied

that they would take official note of the same, and would refer the matter to the authorities at Tunis. And I, on my side, notified to them that, as they were going to refer the matter to Tunis, I would not hold myself bound to the conditions above named. Then they asked me to write them a letter, setting forth my final propositions. I said that the best way would be for them to give me a copy of the *procès-verbal*, which I would sign with them. This, however, they refused to do.

(Signed) M. P. LEVY.

Gabes, April 2, 1883.

Inclosure 3 in No. 111.

Mr. Reade to M. Cambon.

Excellency,

Tunis, June 4, 1883.

WITH reference to your Excellency's despatch in date the 29th May, I had the honour to inform you that I have communicated to Mr. M. P. Levy (the representative of Mr. M. de J. Levy, of London) the contents of General Forgemol's letter of the 27th May. I have now received an answer from Mr. Broadley, barrister-at-law, Mr. M. de J. Levy's legal adviser. I shall be obliged by your communicating Mr. Levy's answer to the French military authorities for the ends of justice.

I have, &c.

(Signed) THOS. F. READE.

No. 112.

Mr. Henry Lee, M.P., to Lord E. Fitzmaurice.—(Received June 12.)

Dear Lord Edmond,

House of Commons, June 11, 1883.

I BEG to inclose two Memoranda which have some bearing upon the printed communication, signed by "Newman," relating to trading with Cape Juby.

I am, &c.

(Signed) HENRY LEE.

Inclosure 1 in No. 112.

Messrs. Tootal, Broadhurst, Lee, and Co. to Mr. Brooks.

Dear Sir,

56, Mosley Street, Manchester, June 7, 1883.

SHIP "Jenny Lind," master, Wood, of 170 tons, bound for Cape Juby, is loading in "Carrier's" dock, Liverpool, with coal. Cargo will consist of 220 tons (coal) or thereabouts, and there will be three passengers.

She was registered 19th May by Wood, who gave her destination "Africa." The Customs would not accept this, and exacted further particulars, when he then gave "Cape Juby." She is owned by Wood, and the Customs are rather suspicious as to this port being her right destination. Date of sailing is not yet fixed, but writer will advise you when shortly, and if possible further information of her destination.

Yours, &c.

(For Tootal, Broadhurst, Lee, and Co.),

(Signed) W. E. BONNER.

Inclosure 2 in No. 112.

Messrs. Ardran, Brothers, and Co. to Mr. Bonner.

50, Tower Buildings East, Water Street, Liverpool,

June 7, 1883.

Dear Sir,

SINCE I left you this afternoon, we find out that the "Jenny Lind" is really going to Cape Juby with coals, and also some general cargo on a private venture. The passengers are interested in the cargo, and, as far as we can learn, the vessel is going to remain out there. The captain has induced five private gentlemen to put money

down, and he (the captain) professes to have found out a small creek at Cape Juby where a trading business can be done with some Moors.

This is all we can hear.

Yours truly,
(Signed) ARDRAN, BROTHERS, AND Co.

No. 113.

Earl Granville to Viscount Lyons.

(No. 584. Confidential.)

My Lord,

Foreign Office, June 12, 1883.

THE French Ambassador in conversation to-day returned to the subject of the abandonment of the Capitulations in Tunis.

I told his Excellency that the legal advisers of the Foreign Office upon this question were at that moment at work upon it, and that I hoped to be able within a very short time indeed to communicate to him our decision, and to discuss with him the details. I said that I could not do so officially to-day, but that I might mention that our principle was to give full scope to the French Tribunals, without, however, giving up altogether the Capitulations.

M. Tissot pressed for the earliest possible answer. He said it was of the greatest importance to the French Government, as they were at present crippled in their action, even for the defence of foreigners in Tunis. He begged to suggest that it would be a mistake to reserve the present powers of the Consuls. It was a personal question with the Consuls themselves, but was opposed to the wishes of the English Colony generally.

I promised to lose no time in communicating officially with his Excellency on the subject.

I am, &c.
(Signed) GRANVILLE.

No. 114.

Viscount Lyons to Earl Granville.—(Received June 14.)

(No. 386.)

My Lord,

Paris, June 13, 1883.

WITH reference to your Lordship's despatch No. 569 of the 4th instant, I have the honour to inform you that M. Challemel-Lacour spoke to me this afternoon of the question of the abandonment of the Capitulations in Tunis.

He said that, by his order, M. Tissot, the French Ambassador in London, had earnestly begged your Lordship to communicate to him without delay the answer of Her Majesty's Government to the application on the subject made to them by the Government of the Republic.

M. Challemel-Lacour requested me to impress upon your Lordship the great urgency of the matter in the eyes of the French Government. Not only was it, he said, very important, with a view to establishing an orderly and efficient administration in Tunis, that the present uncertainty on this subject should be put an end to, but the occurrences of every day showed that it was essential to the public safety that the question of jurisdiction should at once be permanently and satisfactorily settled. Marauders went about, even in the town of Tunis, in bands, and appealed to the jurisdiction of their Consuls when endeavours were made to punish them. There were, indeed, he could not help observing, some of the Consuls of small Powers who showed anything but willingness to assist the efforts of the police to put down disorders and insure public security.

M. Challemel-Lacour went on to say that your Lordship, while holding out to M. Tissot hopes of sending him shortly a favourable answer, had spoken of reservations. If it were necessary that reservations should be made, it was, M. Challemel-Lacour remarked, very important to the French Government to be made acquainted with the nature of them as soon as possible. The delay in the matter was, M. Challemel-Lacour said, in conclusion, doing incalculable harm, and he trusted that Her Majesty's Government would be anxious not to protract it.

I promised his Excellency to report immediately to your Lordship what he had said.

I have, &c.
(Signed) LYONS.

No. 115.

Earl Granville to Sir A. Paget.

(No. 13.)

(Telegraphic.)

Foreign Office, June 14, 1883, 5-30 P.M.

YOUR No. 170.

Ascertain and report how soon we may expect to receive the Italian Memorandum.

No. 116.

Earl Granville to Sir A. Paget.

(No. 145. Ext. 13.)

Sir,

Foreign Office, June 14, 1883.

IN your Excellency's despatch No. 170 of the 7th instant, referring to the desire of the French Government to obtain the consent of foreign Powers to the withdrawal of Consular jurisdiction in Tunis, you state that the Italian Government are now preparing a Memorandum on this subject, which they propose to communicate to Her Majesty's Government; and I have to request that your Excellency will endeavour to ascertain and will report to me how soon Her Majesty's Government may expect to receive this document.

I am, &c.
(Signed) GRANVILLE.

No. 117.

Earl Granville to Mr. Reade.

(No. 10.)

Sir,

Foreign Office, June 14, 1883.

I TRANSMIT to you herewith a Petition* which has been received from certain persons, who state that they are British subjects resident at Susa, and who complain that some twenty-two months ago their dwellings were sacked by Arabs, and that the Petition which they addressed to the British Vice-Consul on the subject has remained unanswered.

I should be obliged if you would furnish me with a Report respecting this case.

I am, &c.
(Signed) GRANVILLE.

No. 118.

Memorandum by Sir F. Reilly.

TUNIS.—PROPOSED FRENCH SCHEME FOR COURTS AND LAW.

I HAVE considered the new French Law establishing Tribunals, and the Bey's Decree extending that Law to foreigners, and the papers connected therewith, with reference to the preparation of an Order in Council, to be made here, in consequence of that Law and Decree.

I do not see any objection generally to the proposed French scheme; but there are some points, of varying importance, on which, I think, Her Majesty's Government may well ask for preliminary explanations, and on some of which it is possible that it may be found necessary for Her Majesty's Government to require undertakings, to be recorded in some binding form.

* No. 103.

These points I have stated, as shortly as I can, in the Appendix to this Memorandum.

As regards the Order in Council, I do not think anything better can be done than to adhere to the model of that of the 5th February, 1876, dealing with the Mixed Courts in Egypt, which is brief and at the same time comprehensive. The following is a sketch of what the Order would be:—

Whereas, with the concurrence of the Queen, French Courts have been or are about to be established in Tunis. Therefore,

As regards all such matters and cases as shall arise after the time when the French Courts aforesaid begin to sit and act judicially, and as come within the jurisdiction of those Courts, the operation of the Orders in Council regulating Consular jurisdiction in the Ottoman dominions shall be and the same is hereby suspended until it shall seem fit to the Queen, with the advice of the Privy Council, to otherwise order.

Among the advantages of so framing the Order are these:—(1) The Order covers the same ground as the French scheme, exactly, neither more nor less; (2) it avoids all details of reservation of privileges and so forth; (3) it contains no grant or concession to the French—its legal effect is simply to take away, for a time, from British Consular officers in Tunis the jurisdiction which the Queen had authorized them to exercise on her behalf; (4) it could be quietly put an end to, and the suspended jurisdiction recalled into activity, at any time.

It is just possible, however, that the correspondence with the French Government that may take place on the points in the Appendix, or other points, may make it necessary to add some two or three provisions to the Order, in addition to that I have sketched, in order to bind British subjects on matters diplomatically settled with the French Government.

With respect to the case of Cyprus, that was different from the case of Tunis. In Cyprus the Queen has full and free power of legislating for all persons in the island, and of creating, consequently, what institutions, legal or other, she may think fit (for a time nominally limited). In Tunis the position of the French is much inferior to this. If the Queen had proclaimed the whole Capitulations at an end in Cyprus, the French could not have lawfully resisted. The acquiescence of the French there was enforced, and cannot be made much of now as a merit and an example to be followed here on the narrower question of Consular jurisdiction.

(Signed) FRANCIS S. REILLY.

June 15, 1883.

Appendix.

Law of March 27, 1883.

Article 2. What is the exact effect of this reference to the Court of Algeria?

Nothing is said in plain words, here or elsewhere, about an appeal from the Tribunal. British subjects should have some appeal in civil or commercial cases; if, by some of the references, an appeal is in fact given by the law, to what Court would it lie, and on what conditions?

What is to be the state of the law as to immovable property of British subjects, regard being had especially to the British-Tunisian Convention of the 10th October, 1863, and to Article IV of the French-Tunisian Treaty of the 12th May, 1881?

What is to be the position of persons having British protection?

Article 4. I understand that there is no appeal in criminal cases. What is the process that will be applicable as regards the revising of sentences, mitigation of punishment, and pardon?

Article 5. This requires special explanation. Is the effect of it that part of the process in a criminal case against a British subject is to be that he is to be taken to Algiers and then brought back to Tunis for actual trial? The French criminal procedure is oppressive; this would make it intolerable.

Article 10. What are the dispositions of the Arrêté Ministériel of the 26th November, 1841? What is a "défenseur"? Are British advocates now in Tunis to be limited to the functions of "défenseur"? Paragraph 8 of the Exposé des Motifs in the French Senate, 25th January, 1883, may be usefully referred to.

Article 17. There should be some security against excessive fees of Court. The fees in Egypt are much complained of.

Article 18. Does this mean French Consular jurisdiction only?

Presidential Decree about Assessors of April 14, 1883.

Article 9, paragraph 3. If the accused are of foreign nationality, there are to be three French and three foreign Assessors. Where an accused is a British subject, is he to have three British Assessors? If not, a British subject should have a right to reject the three foreigners and trust to the three Frenchmen or to six Frenchmen. Why should a British subject be bound to be tried by a Greek, an Arab, and a Spaniard?

What does the note of the 10th May, 1883, mean by the last sentence of its penultimate paragraph?

F. S. R.

No. 119.

Earl Granville to Sir J. Drummond Hay.

(No 26.)

Sir,

Foreign Office, June 15, 1883.

I HAVE received your despatch No. 41 of the 28th ultimo, transmitting a correspondence from Her Majesty's Consul at Mogador, reporting the circumstances which preceded and attended the arrival at that place of Mr. James Curtis and Mr. Andrews from the Soos country, accompanied by a soldier of the Moorish Government and by some boatmen from Agadeer; and I have to request that you will state to Mr. Payton that I entirely approve his communications to the Governor of Mogador upon this subject.

I am, &c.
(Signed) GRANVILLE.

No. 120.

Sir F. Reilly to Sir J. Pauncefote.—(Received June 16.)

My dear Pauncefote,

Coombe Croft, Kingston-on-Thames, June 16, 1883.

IT is not at all necessary to make the Order in Council merely suspensory. If Lord Granville prefers, it can be made absolute, and if necessary at any time it can be revoked. This would be better, no doubt, if it is a matter of sentiment with the French.

It might be good to ask Treitt at once whether he finds any objections to the French scheme. His points might be in time before you have settled your interrogatories.

I apprehend you will have to adhere to your original points, and will not be able to add to them from time to time.

Would you ask them to send me a print of my Memorandum when in print, as I have no draft or copy?

Sincerely yours,
(Signed) FRANCIS S. REILLY.

No. 121.

Sir J. Walsham to Earl Granville.—(Received June 18.)

(No. 16. Consular.)

My Lord,

Berlin, June 13, 1883.

ON the 11th instant a Bill was laid by the Chancellor before the Reichstag empowering His Majesty the Emperor, with the assent of the Federal Council, to curtail or abolish the jurisdiction hitherto exercised by the German Consul in the Regency of Tunis, and on the 12th instant it was read a third time and passed without amendments. I have the honour to inclose herewith copy and translation of it.

Affixed to the Bill is a Memorandum drawn up by the Bundesrath explaining the reasons which have induced the Imperial Government to take this step.

After pointing out that, by the French Law of the 27th March last, the French Consular Courts in Tunis were replaced by six Courts presided over by Justices of the Peace and by a Court of First Instance sitting at Tunis, subject to an appeal to the

Court of Second Instance at Algiers, the Memorandum states that on the 5th ultimo a Beylical Decree was published, by which the subjects of those Powers who might renounce their Consular jurisdiction were placed under the jurisdiction of the new French Tribunals.

The French Government have further expressed a wish that the German Government should renounce their Consular jurisdiction in the Regency; and, having regard to the existing state of things in Tunis, action similar to that taken in the analogous case of Bosnia "would seem to be indicated." Should the Consular jurisdiction be accordingly abolished, German subjects in the Regency will enjoy the same privileges as they do now in Algeria.

Finally, the Memorandum recommends that, following former precedents, the further Regulations as to the curtailment or abolition of the German Consular jurisdiction in Tunis should be settled by Imperial Ordinance, issued with the assent of the Bundesrath.

I have, &c.
(Signed) JOHN WALSHAM.

Inclosure in No. 121.

Bill respecting Consular Jurisdiction in Tunis.

(Translation.)

WE, William, &c., &c., ordain, in the name of the Empire, with the consent of the Bundesrath and Reichstag, as follows:—

The jurisdiction appertaining to the Consul for the German Empire at Tunis for the Regency of Tunis may, with the assent of the Bundesrath, be restricted or set completely out of force.

Given, &c.

No. 122.

Earl Granville to Mr. Reade.

(No. 11.)

Sir,

Foreign Office, June 18, 1883.

I HAVE received your despatch No. 27 of the 5th instant, forwarding copies of correspondence with the French Consul-General and Dr. Arpa respecting a proposal made by the French authorities, that in future the depositions of military witnesses, belonging to the Army of Occupation, when made before French magistrates, should be received as evidence in the Consular Courts, and I have to state to you that your action in this matter, as reported in your above-mentioned despatch, is approved.

I am, &c.
(Signed) GRANVILLE.

No. 123.

Mr. Stuart to Earl Granville.—(Received June 19.)

(No. 93.)

My Lord,

The Hague, June 15, 1883.

M. VAN DER DOES DE WILLEBOIS informed me yesterday that the Netherlands Government had agreed to accept the jurisdiction of the French Tribunals, in lieu of the Consular jurisdiction hitherto exercised, in Tunis.

I have, &c.
(Signed) W. STUART.

No. 124*.

Mr. Reade to Earl Granville.—(Received June 19.)

(No. 30.)

My Lord,

Tunis, June 11, 1883.

I HAVE the honour to transmit herewith, for your Lordship's consideration, a copy of a letter addressed to me by Mr. Broadley, Barrister-at-Law, on behalf of General Sid Hamida Ben Ayad, a British protected subject, and covering a Memorial composed by M. Pelletier (a French lawyer) and himself concerning the long-pending claims of Sid Hamida against the Tunisian Government, two copies of which I beg also to inclose.

General Ben Ayad belongs to the most illustrious and ancient Arab family in this country, his ancestors having for centuries exercised sovereign power in the Island of Jerba. In the year 1847 (the French having accorded their protection to another branch of this family), British protection was, by order of Lord Palmerston, given to Sid Hamida and his grandfather and family. This protection was confirmed some years subsequently by the late Lord Clarendon, and for thirty-five years the Ben Ayads have been regarded both by the Beylical Government and the foreign Representatives as British subjects.

Some years ago, when the Tunisian Government was passing through a dangerous financial crisis, Sid Hamida was induced to come to its assistance on a very large scale, and has ever since struggled to obtain a settlement of his accounts and the payment of the balance due to him. The story of this struggle is truthfully set forth in the Memorial I now forward.

The veracity of these claims have been constantly examined by my predecessor and myself, and we have both used our best efforts to obtain an amicable settlement of the matter. The time has now come when General Ben Ayad's pecuniary affairs will allow him to wait no longer, and he has therefore addressed to me the Memorial I inclose.

In the numerous cases of a similar kind which have occurred in Tunis, a solution has been arrived at by arbitration, and this is all General Ben Ayad now asks for. I trust your Lordship will, if the necessity arises, support this request.

Conformably to the prayer contained in Mr. Broadley's letter, I have forwarded the Memorial to M. Cambon, and I am now awaiting his reply. As soon as I learn the course the Tunisian Government has resolved to take in the matter, I shall report further to your Lordship on the subject.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 124*.

Mr. Broadley to Mr. Reade.

Sir,

Tunis, May 28, 1883.

I HAVE the honour to transmit herewith a Memorial drawn up in the French language setting forth in detail the particulars of the long-standing claims of the British subject, General Sid Hamida Benayad, against the Tunisian Government. I have to request that you will be pleased to forward the same to his Excellency the Minister for Foreign Affairs of His Highness the Bey of Tunis, M. Cambon, in the hope that the Tunisian Government will either be pleased to satisfy the just demands of their creditor or consent to the adjustment of any difference which may exist between them by arbitration. The patience and courtesy with which M. Cambon has listened to my verbal explanations concerning claims against the Government of His Highness the Bey encourage me to hope that he will use his good offices to promote a satisfactory and immediate solution of the difficulty. In any case, I feel assured, he will be the first to confess that the Tunisian Government cannot by any possibility be a judge in its own cause, and that, in accordance with numerous and notable precedents established, will advise His Highness the Bey to consent to a speedy, just, and equitable settlement by arbitration.

I feel it my duty to tell you, without reserve, that the present critical position of General Benayad is one of extreme peril. The non-payment of the sums owing to him by the Tunisian Government for many years have compelled him to mortgage his estates, in order to pay the ruinous interest on the loans he has been forced to contract. The continuance of this refusal on the part of the Tunisian Government, at the present

juncture, means, in the plainest language, the complete ruin of General Benayad and his numerous family, and the sacrifice, at a disastrous loss, of the remnant of his once enormous property.

It is under these circumstances I invoke your official aid and protection in support of the claim of a British subject. I have also to request that you will at the same time forward a copy of the Memorial to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs.

I have, &c.
(Signed) A. M. BROADLEY, *Barrister-at-Law.*

No. 124.

Sir A. Paget to Earl Granville.—(Received June 19.)

(No. 175.)

My Lord,

Rome, June 15, 1883.

WITH reference to your Lordship's telegram No. 13 of yesterday, I have the honour to inform your Lordship that I have asked M. Mancini when Her Majesty's Government might expect to receive the Memorandum which he mentioned (as reported in my despatch No. 170 of the 7th instant) it was his intention to draw up relative to the attributions of the French Tribunals in Tunis in certain civil causes; and his Excellency stated, in reply, that he hoped to be able to have it ready to send to London in five or six days.

His Excellency added that his object was to make it as simple as possible, so that it might be acceptable to all the countries interested. He had, he said, already made two or three drafts of it, but that he was not entirely satisfied with them.

I have, &c.
(Signed) A. PAGET.

No. 125.

Mr. Reade to Earl Granville.—(Received June 20.)

(No. 31.)

My Lord,

Tunis, June 16, 1883.

I REGRET to have to place before your Lordship a copy of some communications which have passed between the French Chargé d'Affaires and myself regarding the forcible and illegal occupation, by French subjects, of a piece of ground belonging to General Benayad, a British-protected subject. Owing to the pressure of my official occupations, and the early departure of to-day's mail, I am prevented from accompanying these papers with a detailed Report on the affair. That Report I shall make a point of transmitting by the next packet. In the meanwhile, I beg to assure your Lordship that I have exhausted all efforts to obtain, by amicable as well as official means, some redress for an outrage which is all the more inexcusable, from the fact that the ground invaded was, at the time, in the charge of a watchman placed there by this Consulate, with the concurrence of the Consular authority of France. The occurrence is the subject of much scandal at this place, and most damaging to our position and interests. I venture, therefore, to trust it may be your Lordship's pleasure to confirm the demand I have made for reparation; and, if I may be permitted to offer such a suggestion, require that some notice be taken of the extraordinary procedure of the French Chargé d'Affaires.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 125.

Mr. Reade to Baron d'Estournelles.

Sir,

Tunis, June 15, 1883.

I HAVE the honour to express in a written form the protest I have already made to you verbally against the forcible and illegal invasion, by a band of men under the leadership of Messrs. Delsol and Maréchal, French subjects, of a piece of ground situated in the vicinity of the "Régie des Tabacs," belonging to, and in the actual occupation of, General Sid Hamida Benayad, an Administré of this Office, the said invasion having taken place at about 3 o'clock yesterday morning, and notwithstanding the presence and protestations of a Moorish watchman who had been placed there by Her Majesty's Consulate-General to guard the property in question, in accordance with an understanding to that effect come to between the two Consulates of France and England.

Having received from Sid Benayad's attorney, M. Pietri, a letter complaining of the outrage to which I refer, I inclose a copy of it for your knowledge and consideration.

Every word of that letter I unhesitatingly confirm, but, as already stated to you *in voce*, I must protest against the outrage perpetrated, not only on the ground

of its being an invasion of Sid Hamida Benayad's rights, but as being eminently calculated to lead to a breach of the public peace, and a direct violation of a compact seriously engaged in by the two Consulates-General, whereby the presence on the ground of a guard representing the English Consulate ought to have been respected.

It is unnecessary I should repeat my astonishment and regret that, notwithstanding that compact, you have declared your inability to comply with my demand for the immediate evacuation of the ground by the parties against whom I have appealed to you; and that, after a delay of twenty-four hours, I am told that the "Tribunal Correctionnel" is alone competent to deal with the affair.

In the meanwhile, the offensive operations of the aggressors continue, to the injury and prejudice of the British Administré, and the scandal of the whole community. Such a state of things cannot but be prejudicial to the satisfactory working of those official relations which it is the wish and instruction of my Government I should maintain with all my French colleagues; but as, from what you are pleased to indicate, there appears to be no other course, under the circumstances, to pursue, I have directed Sid Hamida Benayad to bring his case before the "Tribunal Correctionnel," a course which, I am afraid, will involve a further and most inconvenient delay.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 2 in No. 125.

M. Piétri to Mr. Reade.

M. le Consul-Général, Tunis, le 14 Juin, 1883.
J'AI l'honneur de signaler à votre attention un fait véritablement scandaleux qui s'est passé ce matin à 3 heures.

Vous devez vous rappeler qu'une difficulté s'est élevée, il y a quelque temps, entre moi et M. Delsol, sujet Français, relativement à un terrain situé derrière la Régie des Tabacs, et que M. Delsol prétend lui avoir été vendu par M. Bessy, autre sujet Français. Les titres qui sont déposés à votre Consulat établissent très clairement mes droits de propriété sur ce terrain, lesquels droits ont été définitivement reconnus à la suite d'une expertise ordonnée, sur votre demande, par le Gouvernement Beylical. Vous devez vous rappeler également qu'à cette époque il avait été convenu avec M. le Ministre de France que le Consulat-Général d'Angleterre installerait, pour empêcher tous nouveaux empiètements, un gardien sur le terrain en question. Ce gardien a été installé en qualité d'Agent du Consulat Anglais. Ce matin, à 3 heures, une bande d'ouvriers au nombre de cinquante environ, armée de pioches et de pelles, à la tête de laquelle se trouvaient MM. Delsol et Maréchal, a envahi la propriété, malgré les protestations énergiques du gardien et du Drogman du Consulat d'Angleterre qui avait été requis, et y a exécuté des travaux de clôture.

Cet envahissement de propriété à pareille heure est une violation flagrante du droit des gens, une atteinte très regrettable à la propriété individuelle.

Je proteste de la manière la plus énergique contre un procédé que je ne veux point qualifier, et je viens prier, M. le Consul-Général, d'intervenir auprès des autorités compétentes pour que ces envahisseurs soient expulsés immédiatement de mon terrain, qui devra être débarrassé des travaux de clôture qui ont été faits. Je vous serai reconnaissant, en même temps, de faire réinstaller le gardien.

Je déclare également faire toutes réserves pour tous dommages et intérêts que j'entends réclamer à qui de droit à raison du préjudice que j'ai éprouvé.

Veillez, &c.
(Pour M. le Général Sid Hamida Benayad),
(Signé) CHARLES PIÉTRI.

Inclosure 3 in No. 125.

Mr. Reade to Baron d'Estournelles.

Cher Baron d'Estournelles, Tunis, le 15 Juin, 1883.
J'AI voulu suivre la marche que vous m'avez indiquée dans l'affaire Benayad ce matin. Contrairement à ce que vous m'avez dit, M. le Procureur de la République,

consulté à ce sujet, a répondu que le Tribunal Correctionnel était incompétent. Comme vous le voyez, j'ai cherché à vous prouver ma bonne volonté, mais, en présence de la réponse de M. le Procureur de la République, je me vois, à mon grand regret, dans la nécessité de soumettre cette malheureuse affaire à mon Gouvernement, si mon Administré, le Général Benayad, n'a pas obtenu satisfaction dans le délai de vingt-quatre heures.

Veillez, &c.
(Signé) THOS. F. READE.

Inclosure 4 in No. 125.

Baron d'Estournelles to Mr. Reade.

Cher Mr. Reade, Tunis, le 16 Juin, 1883.
J'AI vu, de mon côté, M. le Procureur de la République, qui ne considère pas qu'il y ait lieu à l'action pénale.

Nous n'avons donc qu'à en revenir à ce que je vous ai proposé dès le début : laisser les parties justifier, non devant moi, qui n'ai aucune compétence, mais devant la justice, de leurs titres à la propriété et à la possession, et leur faire laisser d'une part et d'autre un garde, jusqu'au règlement de la question.

Votre, &c.
(Signé) P. D'ESTOURNELLES.

Inclosure 5 in No. 125.

Mr. Reade to Baron d'Estournelles.

Cher Baron d'Estournelles, Tunis, le 16 Juin, 1883.
JE viens de recevoir votre lettre. Les explications que vous me donnez se réfèrent à la question de droit de propriété—question qu'à mon avis ne pourra être tranchée qu'autant que le terrain soit remis en son état primitif avec le gardien représentant le Consulat d'Angleterre. Mais, ici, il s'agit d'un acte de violence—je dirai même de sauvagerie—contre lequel j'ai le droit et le devoir de demander une réparation immédiate. Comme vous me déclarez que M. le Procureur de la République ne peut pas poursuivre, je viens vous avertir de nouveau que, n'ayant pu obtenir satisfaction, je vais soumettre l'affaire à mon Gouvernement.

Votre, &c.
(Signé) THOS. F. READE.

No. 126.

Mr. Camilleri to Earl Granville.—(Received June 20.)

(Telegraphic.)

Tunis, June 19, 1883.
AS advocate Giovanni Agius, beg submit your Lordship's consideration he is proprietor of ground situated this town. When he began building, Municipality interdicted him, saying his titles false, causing great damage. Agius protested, asking question submitted local competent Tribunals. Local authorities continue prevent building, replying neither to protest nor to letter our Consul. Beg give instruction to protect British property.

No. 127.

Earl Granville to M. Tissot.

M. l'Ambassadeur, Foreign Office, June 20, 1883.
IN my note to Count d'Aunay of the 14th ultimo I had the honour to acknowledge the receipt of the note verbale, which he was good enough to place in my hands on the 10th May, inclosing the text of the French Law establishing French

jurisdiction in Tunis, of a Decree of the Bey authorizing that measure, and of two administrative Regulations on the same subject. The note expressed the desire of the French Government that British subjects residing in the Regency should be in future amenable to the new jurisdiction thus created.

The question of the abandonment of the Queen's ex-territorial jurisdiction over British subjects in the Regency of Tunis, which is vested in Her Majesty under the Capitulations and recent Treaties, has occupied the careful attention of Her Majesty's Government; and the examination of the documents inclosed in Count d'Aunay's note has suggested some inquiries into their precise meaning and effect, which I desire to submit to your Excellency, with the request that you will be good enough to furnish me, at your convenience, with the further information required by Her Majesty's Government. All those inquiries being more or less of a technical nature, I have thought it more convenient to present them in the form of a Memorandum, which I have the honour to inclose.

As I have had occasion to inform your Excellency in the course of conversation on this subject, Her Majesty's Government are quite disposed to waive the rights of this country, under the Capitulations and Treaties, to the extent which may be required to give full scope to the exercise of civil and criminal jurisdiction over British subjects by the new French Tribunals.

They do not, however, believe that it would be expedient to extend the change beyond what is required by the circumstances of the case, and they lay much stress, for instance, on the maintenance of those privileges and immunities which are enjoyed by Consular officers in the East, and which partake of the character of those accorded to Diplomatic Agents in Europe.

Subject to these reserves, and to the explanations which your Excellency may be good enough to furnish me on the points referred to in the inclosed Memorandum, Her Majesty's Government will have much pleasure in acceding to the request of the French Government, and will take the proper measures to relieve Her Majesty's Consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis have signified their willingness to adopt a similar course.

I have, &c.
(Signed) GRANVILLE.

Inclosure in No. 127.

Memorandum respecting the Law of March 27, 1883, establishing French Tribunals in the Regency of Tunis.

ARTICLE 2. The effect of the reference to the Court of Algeria is not clear. There is no express provision in relation to appeals, yet it is presumed that British subjects will have a right of appeal in civil and commercial cases, and it would be desirable to have information as to the Court to which such appeal would lie, and the conditions under which it may be carried on.

Art. 4. No provision appears to be made as to appeal in criminal cases. It would be desirable, therefore, to obtain information as to the process applicable as regards the revision of sentences, the mitigation of punishment, and the grant of pardons.

Art. 5. This Article seems to call for explanation on the following point:—

Is the effect of it that part of the process in a criminal case against a British subject is to be that he is to be taken to Algiers, and then brought back to Tunis for actual trial?

Art. 10. The following inquiries are suggested by this Article:—

What are the dispositions of the Arrêté Ministériel of the 26th November, 1841?

What is to be understood by the term "défenseur"?

Are British advocates now in Tunis to be limited to the functions of "défenseur"?

This last inquiry appears especially important in view of paragraph 8 of the "Exposé des Motifs" annexed to the Bill (when brought into the Senate on the 25th January last), in which it appears to have been assumed that there would be an abandonment of the Capitulations.

Presidential Decree of April 14, 1883.

Art. 9, paragraph 3. It is stated that if the accused are of foreign nationality, there are to be three foreign as well as the three French Assessors.

In the event of the accused being a British subject, is he to have three British Assessors? If not, it appears to Her Majesty's Government that a British subject should have the right to reject the three foreign Assessors, confiding his interests to the three French, if not to six French Assessors.

General Observations.

The following points also require elucidation:—

What is to be the state of the law as to the immovable property, having regard to the vested interests of present holders of land, and to the provisions of the Anglo-Tunisian Convention of the 10th October, 1863, and to Article IV of the Treaty between France and Tunis of the 12th May, 1881?

What is to be the position of British protégés?

Will the immunities and privileges attaching to the persons and residences of Consular officers be sufficiently secured without any legislative provision on the subject?

No. 128.

Mr. Richards to Earl Granville.—(Received June 21.)

[No date.]

My Lord,

May it please your Lordship,

WE, the undersigned Directors of the Sûs and North African Trading Company (Limited), respectfully submit to your Lordship for your consideration the following:—

The Company has been more than two years in operation, and using every exertion to carry on a large trade by the export of English goods and the import of raw material.

The Undersigned have the honour to append a translation of the Treaty under which the Company was formed, together with an abstract of a Report of the Company's agent, Mr. Curtis, who, with the kind introduction of Sir Charles Dilke, has the honour to present this to your Lordship.

The contents of the Report induce the undersigned Directors of the Company to respectfully solicit your Lordship's powerful influence to recommend Her Majesty's Consular Agents in the adjacent territories to afford to the agents of the Company every assistance to enable them to increase the British trade, for which a vast field opens in those regions.

Humbly submitting this to your Lordship's consideration, the Undersigned, &c.
(Signed) W. H. RICHARDS, Chairman.
H. G. MIDDLETON, Secretary.

Inclosure 1 in No. 128.

Extracts from Mr. James Curtis' Letters.

PRESSURE having been brought to bear upon the Sultan caused the Chiefs of the independent tribes of Sûs to request me to leave the country, the Sultan at the same time requesting the tribes to take every care of the property during my absence and journey to the Court of Morocco.

The present Ruler of Sûs is Sidi Hussein-ben-Haschem, son of the late Sultan of Sûs, Sidi Haschem. These Chiefs have always been perfectly independent of any other Power.

The Prince Hussein is the principal signatory of the Concession granted by the Company's Treaty, upholds the same, and assures me of his full competence and future support.

The native tribes have fulfilled their share of the Treaty and afforded me every assistance in their power to further the trade. By desire of the Sultan's Ambassador, I went to the Court at Morocco in company with the Sûs Chiefs, who informed the Sultan that they had opened a port in their territory.

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At Mogador I found a Spanish Commission was sitting to find out the situation of the port to which they claim a right. The Sultan informed the members of the Commission that he would not be responsible for their safety in attempting to proceed by land south of Agadir, which is generally recognized as the southern boundary of his dominions.

These are extracts from Mr. Curtis' Reports received since January this year.
(Signed) H. G. MIDDLETON, *Secretary*.

Inclosure 2 in No. 128.

Treaty between the Sheikhs of Ait Bou Amaran and Messrs. Yule, Brauer, Broome, and Curtis.

(Translation.)

Praise to God alone!

NOTE of the conditions which the four merchants demand, and these are their names:—

Messrs. Thomas Yule, Th. Brauer, G. Broome, and J. Curtis.

Addressed to the Sheikhs of Ait Bou Amaran, and to the Shereef Sidi Houssein-ben-Haschem.

The said merchants demand from the said Sheikhs that they do sign beneath this writing that they have accepted these conditions, and each Sheikh should write his name and place, also his seal; but he who has not a seal should sign with his hand, and then this project will be arranged with the will and power of God.

ARTICLE I.

The above-mentioned merchants demand from the Sheikhs a place in Sidi Mohammed-ben-Abdela, or else at Ifni, or elsewhere in the Province of Ait Bou Amaran, that is to say, the place that they may judge suitable for a port for commerce, which will be done with the inhabitants of Ait Bou Amaran.

ARTICLE II.

The merchants demand from the Sheikhs a piece of land near the port, to descend and live on and deposit their merchandize coming by sea or land.

ARTICLE III.

The merchants demand from the Sheikhs that they do not permit any other nation or other persons to come to do business in the port as long as they are in the country.

ARTICLE IV.

The merchants demand from the Sheikhs that the security of their persons, as well as that of their companions and their merchandize, be sure, in the whole of the Province of Ait Bou Amaran, as long as they reside (or inhabit) it.

[Here end the conditions, and they are known.]

Praise to God alone!

As the four merchants have demanded four conditions, and they wish to have a place at Sidi Mohammed-ben-Abdela, or at Ifni, or elsewhere; secondly, they demand a piece of land near the port to be able to deposit their merchandize coming by land or sea; thirdly, that they will not permit any other nation to do any business at the port as long as they are in this country; fourthly, they demand security for their persons as well as for their merchandize.

All these conditions which they have demanded as above from the Sheikhs on account of this project. Then the Sheikhs met together for this affair; they reflected and consulted together; afterwards they examined and placed it in the balance of justice (*i.e.*, acted according to their laws), and when they saw that the thing could be done without alteration, and that the consent of all had been given:

Then they were content, and testified that the law touching this project be truth

between them and the four merchants. Now those who demand to withdraw or retire from these conditions, either the ones or the others, cannot do so any more.

The first who consented amongst them are the Sheikh Hamed, son of Sheikh Hammon the Boubekri; the Muckhaddem Hamed, son of Houssein; Ibrahim, son of Sahidiel Boubekri; Ali Genda, and others of the same province; and they have also consented, the wise Fekké, the Chief of his tribe; the Sid-el-Hassein, son of Abdela Daladelowy; the Sid Ali, son of Bou Chouan, of the same country; and they have also consented and owned the Sheikh Baha the Semoury, the Sheikh Mohammed, son of Mohammed, of the same country; the Sheikh Yehyeh, son of Yehyeh, of the same country; the Mahazjoub, son of Heddy, of the same province. They are also of the same advice as the preceding, the Muckhaddem; the Houssein, son of Aaliat Essbeg; the Sheikh Ombark, son of Hamed, of the same province; Houmad, son of Ben Aüle, of the same country; the Muckhaddem Ombark, son of Saïd Efferiade; Abd-el-Salam, the Herbily, the Fekké, the Sid, and the Chief of his tribe, Houssein-el-Ekouley, the Fekké Sidi Abd-el-Aali, and other persons of the same province, which has been mentioned above. It would be too long to mention all, but those who are mentioned suffice.

Also the principal, who have also accepted the conditions, are the Sheikh Ombark, son of Sheikh Ibrahim-el-Mestaowy; the Taleb Sid Omar, son of Belhere Duabira. They have also consented, the Houssein, son of Mohammed, of the tribe of Ait-el-Hadj Ali; and with him Omar, son of the Sid Onakebeydun (the man is known by this name), and he is the Muckhaddem, and others, the Chiefs of their province, and all the Fekkés of their country, such as the Fekké Sidi Hamed, son of Ibrahim the Simlaly; and the Fekké Sidi Houssein, son of Bel Heül; the Fekké Sidi Mohammed, son of the Houssein.

All that which has been said from the beginning of this writing to the end has been approved by the Shereef, the respectable, the grand, the loved, the amiable, the jewel of his time, our Lord the Houssein, son of Haschem. He did not make to them any observations on a subject which is for their profit.

All the inhabitants of our province are agreed as to this, as well as all our neighbours, who have understood and accepted that which has been said. They are to be excused, that each one does not know how to sign with his hand.

Now, all that which has been said above in these sheets has been acknowledged as truth, and thus it is finished, by the grace of God.

God is witness touching that which has been said in the presence of him who has written this project with his hand, dated the 26th Rabay-el-tenny, year 1297. The feeble slave of his God. Mohammed, son of Hamed the Bahamrany, may God preserve him.

Praise to God alone!

The Houssein, son of Mohammed the Memry the Semlalata (his country), and who is mentioned in this document. May God complete him in happiness.

Praise to God alone!

After what the Fekkés have mentioned above on the subject of the conditions drawn up and mentioned also in these sheets, in accordance with that which has been said, and moreover after we had seen and approved the great men and the Chiefs of these countries, of which they are the heads, and in whom the inhabitants of these countries have confidence, recognizing them as their Chiefs and lawgivers. As these Chiefs recognize this as a useful thing for their country, and because their desire is for the interest of all. Then all that has been said cannot be broken. Written by him who was present on the day, and the date of the 26th Rabay-el-tenny, in the year 1297.

Slave of his God, Abdela, son of Mohammed, whom God preserve.

Praise to God alone!

In the presence also of the honourable Ulemmas, who are mentioned, to the subject of the agreements and arrangements, and these men put their trust in God, the Highest.

Slave of his God, Ibrahim, son of Abdela, son of Saleh the Boubekri, the Hekily, whom God enlighten with his light.

Praise to God alone!

Good and approved all that which has been said above.

The Fekké Abdela, son of Mohammed the Abrahinny, whom God preserve and enlighten in goodness.

Praise to God! May prayer and salutation be upon the Envoy of God.

Good and approved all that the Fekkés have written and signed, that they accept the conditions, and give their consent touching this project for the Sheikhs, as mentioned above in these sheets.

The feeblest of all the feeble slaves of his God, the Shereef Moulay Mohammed, son of Moulay Hamed, may God strengthen his health. Amen.

No. 129.

Earl Granville to Viscount Lyons.

(No. 614.)

My Lord,

Foreign Office, June 21, 1883.

IN my despatch No. 517 of the 19th ultimo I transmitted to your Excellency, for your information, a copy of the *note verbale* left with me by Count d'Aunay on the 10th of that month, inclosing the text of the French Law of the 27th March, establishing French jurisdiction in Tunis, and other documents connected therewith.

I now inclose, for your Excellency's further information, a copy of a letter which I have addressed to M. Tissot, communicating to his Excellency the views of Her Majesty's Government in regard to the question of the abandonment by them of the right of British Consular jurisdiction in Tunis, and inclosing a Memorandum of certain points on which Her Majesty's Government are desirous of receiving further information in regard to the interpretation or bearing of various Articles of the French Law.

It might be of use to Her Majesty's Government to have the benefit of M. Treitt's opinion in regard to the bearing of the French Law, and I have accordingly to request that you will ask that gentleman to be good enough to furnish a Report on this subject.

I am, &c.
(Signed) GRANVILLE.

No. 130.

M. Mancini to M. Catalani.—(Communicated to Earl Granville by M. Catalani, June 22.)

(Télégraphique.)

Rome, le 21 Juin, 1883.

VOUS trouverez ci-près la réponse que je proposerai au Conseil des Ministres de faire à la demande du Gouvernement Français sur la juridiction Consulaire en Tunisie. Nos réserves sont aussi modérées que possible, en vue de sauvegarder droits presque essentiels de nos nationaux et de prévenir difficultés et controverses successives. Avant d'arrêter notre résolution, je désire cependant avoir certitude que ces mêmes réserves seraient aussi adoptées par le Cabinet Anglais, l'utilité d'un système et langage commun étant évidente.

Veillez donc consulter sans retard Lord Granville et le prier en notre nom de vous faire connaître ses idées là-dessus, nous trouvant, nous aussi, pressés par l'Ambassade de France.

Voici notre projet de réponse :—

“ Nous sommes disposés à demander au Parlement l'autorisation de suspendre à Tunis l'exercice de la juridiction Consulaire garantie par les Capitulations et les Traités en vigueur. Elle sera exercée par les Tribunaux composés de magistrats non indigènes, institués dans la Régence par Décret du Bey. Il est bien entendu que dans la matière civile et commerciale ces Tribunaux jugeront d'après la loi Italienne à l'égard de l'état et capacité des personnes, des rapports de famille et de succession de nationaux Italiens, ainsi que des rapports juridiques créés sous l'empire de cette législation, se conformant, du reste, comme de raison, aux principes du droit international privé. Leurs sentences seront déclarées exécutoires aussi en Italie, dans la forme usitée pour l'exécution des jugements des Tribunaux étrangers. Par cette suspension de la juridiction Consulaire aucun préjudice ne sera porté à tout autre droit,

No. 129*.

Sir J. Pauncefote to M. Camilleri.

(Telegraphic.)

WILL ask for Report from Consul.

Foreign Office, June 21, 1883, 2 P.M.

avantage, prérogative, et immunité dont jouissent les nationaux et fonctionnaires en Tunisie, en vertu des autres Capitulations et Traités."

No. 131.

*Memorandum by Lord E. Fitzmaurice of Conversation with Messrs. Curtis and Kew,
June 22, 1883.*

MR. CURTIS and Mr. Kew [?] called here to-day. They ask that some recognition should be given to Mr. Curtis *as a trader* either by a letter of recommendation to the English Consuls, or by a statement in his passport that he is an English trader, and known as such to the Foreign Office.

I told them that I thought such a course was unusual, but that I would communicate a definite reply.

Mr. Curtis gave me the inclosed copies of letters. He said they contained an acknowledgment on the part of the Emperor of Morocco of the sovereignty of the Chiefs over the district which has been in dispute. I pointed out to Mr. Curtis that they did nothing of the kind.

E. F.

Foreign Office, June 22, 1883.

Inclosure in No. 131.

Letter addressed to the Sheriff Mohammed, son of Moulay Hamed, of Ait Bou Amaran, and his friend Si Hamed, the Bahamrany.

(Translation.)

God be praised.

TO the Sheriff Fekké, the great Cidi Mohammed, the son of Moulay Hamed, living in Ait Bou Amaran, and his friend Si Hamed, the Bahamrany. Salutations to you; the Lord be praised, and His goodness be upon you. Learn that I have received your letter that you wrote to the Ambassador the 18th Ramadan of this year, and we learn from it that what the above-mentioned Ambassador asked you to do, to agree with the Sultan greatly, and that you pleased him very much when he came to your country, and that which he asked you for you agreed to, which was to let him open a port in your country for buying and selling, and the Sultan, God be praised, is very pleased with you, and he will put officers in your country among your tribes. As to the Ambassador, at present he is away in his country, and in a few days he will, God willing, return with good health. Anyhow, we will inform him of your letter, and without doubt he will be much pleased when it arrives with him; he will be much pleased that you have done what he asked you. Well done, what you have done for his sake, and for your love towards him, especially as you have received the Sultan with gladness, and the Sultan also met you with gladness, and was glad, as people are when they meet those they love, and he is going to open a port for buying and selling, which will be a good thing for the whole country. Be contented. When the Ambassador returns, he will write to the Sultan and recommend you to him very much, and ask him for even more than you would ask him. Your first letter reached him while he was still here, and he answered it by the hand of the Consul of Mogador; don't disbelieve that letter.

Salutation, 17th August, 1882, which is the 2nd day of Shooal, 1299.

By the order of the Representative of the Sultana of the English, who is the Consul at Tangier.

(Signed) HORACE P. WHITE.

Letter addressed to the Sheriff Mohammed, son of Moulay Hamed, of Ait Bou Amaran.

(Translation.)

God be praised.

To the Sheriff, the well-beloved Prince Mohammed, son of Moulay (Prince) of Ait Bou Amaran, greeting to you very much, and I pray to God that you will be always in good prosperity for ever. Now, I have received your letter of the date 7th

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Schaban this year, and were greatly pleased when you tell us that your tribes are all in the Sultan Moulay-el-Hassan's favour, and that you won't repulse him for the affair for which he is coming, which is to open a port at Messa or Ifni, or elsewhere, as that port will be of great usefulness to you all, and in which you will be able to sell your produce and goods, and buy the goods of other people without having all the trouble to go to Mogador, and that will be a good thing for you that the port should have the sanction of the Sultan, and proper government in it. And there will be no harm to you in this matter, and you for your part pray never (for ever) harm him, and as for those merchants who were going to open a port in which to buy and sell with you, without the authority of any nation, and who don't bother themselves about the authority of the Sultan. I don't wish it, nor any one of our nation, or any one else, and I pray to God they won't succeed, because they have gone out of the straight road, while I only wish to all Mussulmans only prosperity, and now I will, by God's will, speak again (or renew) with the Sultan good words (speak favourably) for you, and now with much love I salute you.

Written the 1st day of Ramadan, 1299, from the Ambassador of the English at Tangier.

(Signed) J. H. DRUMMOND HAY.

No. 132.

Earl Granville to Sir A. Paget.

(No. 155.)

Sir,

Foreign Office, June 23, 1883.

THE Italian Chargé d'Affaires has communicated to me the telegram from M. Mancini, of which I inclose a copy herewith,* giving the substance of the reply returned by the Italian to the French Government on the subject of the abandonment of the Capitulations in Tunis, and the recognition of the new Tribunals instituted there.

I have in return communicated to M. Catalani a copy of the note which I have addressed to the French Ambassador on the same subject, and of the Memorandum inclosed in it. I transmit copies of these papers to your Excellency for your information.†

I remarked to M. Catalani that the views of the Italian Government seemed to be substantially in accord with ours. As regards the condition made by M. Mancini respecting the application of foreign law in matters of personal status and capacity, I believe that there would be no difficulty, as I was informed that this was the existing practice of French jurisprudence. I thought that upon this point Her Majesty's Government might be satisfied with the assurance contained in the note addressed to me by the French Chargé d'Affaires on the 10th May last,‡ of which your Excellency has received a copy in my despatch No. 121 of the 18th ultimo.

I expressed a doubt whether the reservation made by M. Mancini in the concluding paragraph of the telegram was not too sweeping. For instance, I said, we could not insist on retaining all the present immunities enjoyed by our nationals, for in that case execution of process could not issue against them and their property. They should be in the same position as French citizens as regards the process of the Courts and the action of the police. It would be desirable no doubt to retain the immunities of Consular Officers and their residences, but the right of asylum ought not to be exercised for the purpose of screening any one from the process of the Court or from the proper exercise of jurisdiction by the French Tribunals.

M. Catalani told me that although he had no positive information to that effect, he thought it probable that the Italian Government had communicated their decision to the other Powers interested in the question.

I am, &c.
(Signed) GRANVILLE.

* No. 130.

† No. 127.

‡ See No. 81.

No. 131*.

Mr. Reade to Earl Granville.—(Received June 22, 10.30 P.M.)

(No. 10.)
(Telegraphic.)

Tunis, June 22, 1883, 5.50 P.M.

WITH reference to my despatch No. 31 of the 16th, invaders [?] of ground under British protection are building stone wall on it.

I respectfully beg to suggest that application be made for instruction to suspend operations pending inquiry into whole circumstances. Persistence in course pursued exercising pernicious effect on British interests. Detailed report forwarded on 19th.

No. 132 A.

Mr. Wood to Sir J. Pauncefote.—(Received June 23.)

(Private.)

Dear Sir,

34, Jermyn Street, London, June 23, 1883.

I TRUST it will not be deemed too presumptuous on my part if I venture to bring under your notice the claims of General Si Hamida Ben Ayad upon the Tunisian Government. Lord Palmerston had granted British protection to Si Hamida, which he has enjoyed for half-a-century with the sanction of the Beys.

The claims of Si Hamida, under various heads, amount, in the aggregate, to upwards of 100,000*l.*

During my residence in Tunis I had occasion to repeatedly submit them to the consideration of the late Bey, Sidy Saddok, who not only reiterated his personal gratitude to Si Hamida for his opportune pecuniary assistance to himself and family, but likewise to his Governments at a time of great financial embarrassment. His Highness never failed to direct his then Prime Minister, Khairaddin Pasha, to settle these claims; but from motives of personal enmity to the family of the Ben Ayads, he postponed the execution of the Bey's instructions until he was removed from office.

Owing to my subsequent retirement from Tunis, these claims have remained in abeyance until now; and, as I had intervened for their settlement, and I am acquainted with them, Si Hamida has urgently appealed to me to move Her Majesty's Government to instruct the British Representative at Tunis to bring them to a final conclusion.

It being most probable that, in view of the large amount of the debt, and the difficulty and inconvenience which the Tunisian Government will experience to discharge it, that the local Tribunals will be influenced by this and similar considerations in their award, General Si Hamida earnestly begs that his claims might be submitted to arbitration as offering his only chance of obtaining justice.

With my intimate knowledge of the proceedings of the local Courts in matters of this description, I cannot but concur in the apprehensions entertained by Si Hamida, and I therefore beg to suggest respectfully that arbitration alone offers the safest way of bringing these long-pending affairs to a satisfactory and equitable solution, and save the claimant from utter ruin. Having mortgaged all his property to serve the Beys and their Governments in times of pecuniary distress, he has incurred heavy liabilities towards his creditors, which he is unable to discharge.

I beg to transmit Si Hamida's Memorandum on the subject of his claims; and with many apologies for the liberty I have ventured to take, believe me, &c.

(Signed) RICHARD WOOD.

No. 132 B.

Sir J. Pauncefote to M. Camilleri.

Sir,

Foreign Office, June 23, 1883.

I AM directed by Earl Granville to inform you that your telegram of the 19th instant, complaining that a client of yours, named Giovanni Agius, has been prevented by the municipal authorities at Tunis from building upon some ground to which he lays claim, has been referred to Her Majesty's Agent and Consul-General for a Report.

You will have already received the substance of this letter by telegraph.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

Earl Granville to Mr. Reade.

(No. 12.)

Sir,

Foreign Office, June 23, 1883.

I INCLOSE copy of a telegram which has been received from Mr. Camilleri, protesting on behalf of a client of his, named Giovanni Agius, against the action of the municipal authorities of Tunis, who have, it is stated, prohibited Agius from building on some ground to which he lays claim;* and I have to request that you will favour me with a Report respecting this case.

You will forward to Mr. Camilleri the accompanying reply to his communication, which I send, for your information, under flying seal, and the purport of which has been already telegraphed to him.†

I am, &c.
(Signed) GRANVILLE.

Sir J. Drummond Hay to Earl Granville.—(Received June 25.)

(No. 51.)

My Lord,

Tangier, June 16, 1883.

WITH reference to the despatches marked in the margin‡ relative to the proceedings of Mr. Curtis, agent of the North African Soos Company, Cid Mohammed Bargash communicated to me, in an interview I had with him this morning, an extract from a letter he had received from the Sultan, of which I have the honour to transmit a translation.

With reference to that passage in the letter where it is stated that the British Consul at Mogador had not acted up to Treaty stipulations, "as he had neglected to try Curtis for his proceedings," Cid Mohammed Bargash admitted that the Consul could not, under the circumstances of the case, have acted otherwise than he did, for the Governor of Mogador had not taken any formal step to prosecute Curtis.

Cid Mohammed Bargash further informed me that he was directed by the Sultan to repeat to me the warning that if Curtis, or other British subject, landed again on that coast to trade without the authority of the Government, they would do so at their peril.

Cid Mohammed Bargash said it was the intention of His Majesty to dispatch a vessel to "Erksees," which is the site where Curtis landed his goods from a British vessel. This site is marked, I think, in some of the English maps as "Port Hillsborough," latitude 29° north. The vessel which the Sultan intends to dispatch to this site will convey grain, as it appears the crops have failed in that district.

The French Minister, M. Ordega, mentioned to me to-day, in the course of conversation, that he had met Mr. Curtis, when out walking, accompanied by the master of the French steamer in which Curtis had arrived from Mogador, and that the latter was introduced to him. He informed M. Ordega that it was his intention to return to the Soos to trade, and that he should pay no attention to the warnings given through me or the Consul at Mogador by the Sultan.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 134.

The Sultan to Cid Mohammed Bargash.

(Translation.)

(Extract.)

CURTIS arrived at the Sherrefian Court, and, in reply to a letter in which he announced his arrival, it was asked whether he had brought a letter from the Consul at Mogador, from the Minister at Tangier, or from the Governor of Mogador, and if so to present it; otherwise there would be no communication with him. To which message he replied in writing, that he was acting on the authority of the Government, which could both appoint and remove the Minister and the Consul, and that we should soon learn whether his words were not more powerful than theirs. No reply was

* No. 126.

† No. .

‡ Nos. 60, 62, 66, 84, 99, and 108.

given to this, but we order you to make known to the Minister all that has passed, in order that he may learn how our authorities, actuated by feelings of good-will, caused this man (Curtis) to be removed from amongst the Soos tribes, who are not to be trusted, and delivered him up in safety to the Consul, in order that he might be tried for his proceedings; but the Consul has not acted up to the Treaty stipulations and caused him to be judged, but let him depart.

No. 135.

Mr. Reade to Earl Granville.—(Received June 26.)

(No. 32.)

My Lord,

Tunis, June 19, 1883.

CONFORMABLY with the intention expressed in my despatch No. 31 of the 16th instant as to a detailed Report upon the difficulty which has arisen between the French Residence and myself, in consequence of an invasion by French subjects of ground within the jurisdiction of this Consulate, I have the honour to submit the following statement:—

I must beg, in the first place, to remark, and I do so with much reluctance and regret, that the attitude which M. Cambon and certain of the officers of his staff have, for some time past, maintained in their official relations with this Agency and Consulate-General, has been one of marked unfriendliness. Day after day differences arose between us which I have had no little difficulty in smoothing over. Some of them it has been my disagreeable duty to bring to the notice of your Lordship.

Matters have at length culminated in the perpetration of an outrage for which I have failed to obtain redress, under circumstances which render the procedure of the French Chargé d'Affaires doubly reprehensible.

The facts of the case are as follows:—

When the main objects of the military invasion of this country were consummated and the Treaty of Casr-el-Said signed, rewards and favours of various kinds were distributed among those who had in any way contributed towards the success of the political campaign. Among the recipients of these favours were General Elias Musalli, Dr. Mascaro, and a M. Volterra, who had acted throughout as the secret and confidential agents of M. Roustan, and to them were assigned various concessions of lands, including some considerable plots which are situated in the most fashionable quarter of the city, and belong to General Benayad, a British-protected subject, of whose history a sketch is given in my despatch No. 30 of the 11th instant. A sale of these plots was clandestinely effected by the "Sadekia," or Crown Lands Department of the Government, at a price which was little more than nominal. Their subsequent resale to other parties enabled the before-named original purchasers to realize enormous profits.

The title-deeds of this property were, at the time of its sale by the "Sadekia," in the archives of the Bardo, where they had been held in sequester for some years previously, and, as the idea prevailed that they would never again return to the possession of their rightful owner, it was probably regarded as a safe thing to dispose of the plots in the manner above described. Without the original or genuine title-deeds in his hands, it would, under any circumstances, have been difficult, if not altogether impossible, for Benayad to protect his property against the holders of the spurious title. Fortunately, however, for him I succeeded, about a year ago, in recovering his title-deeds from the Bardo, and efforts which have since then been made to deprive him of the property have, until the present occasion, failed.

On the question of the rival claims to the property coming, last year, before M. Challet, who then filled the office of French Consul-General, that gentleman decided that, as occupant of the disputed ground, Benayad was entitled to the position of defendant in any suit that might be put forward for the purpose of contesting his right or title to the property. M. Coinze, the Consul-Juge who took charge of the Consulate-General on its being vacated by M. Challet, confirmed the latter's decision, and informed me he had accorded to the French claimants a term of forty-eight hours for the presentation of their suit before the Local Tribunal of the "Sharâa."

An understanding was, at the same time, come to between us, whereby, with a view to avoid the scandal of any attempt to take forcible possession of the property, it was arranged that a watchman should be placed thereon for its protection by the English Consul, and not, as had till then been the case, by Benayad himself. This was

accordingly done, and, until the early morning of the 14th instant, nothing occurred to interrupt in any way the undisturbed occupation of the ground by Benayad.

At about 3 A.M., however, of that day, a numerous and formidable band of workmen, headed by two Frenchmen named Delsol and Maréchal, invaded the ground, and, notwithstanding the presence and protestations of the watchman already referred to, took forcible possession of the property, and immediately proceeded to erect upon it a wooden shed and inclosure. A Dragoman, summoned without loss of time, from the Consulate, also asserted the British nationality of the ground; but he, too, was treated with the same contemptuous indifference.

M. Maréchal, who, I should not omit to remark, is the trusted representative in this country of the Havas Agency, appears to have eclipsed all the others in the offensiveness of his procedure, and to have expressed the degree of regard he himself entertained for the person of the watchman or agent of the English Consulate in terms which I am prevented, by their unfitness, from reproducing in this Report.

On arrival shortly afterwards from my country residence I called on the Baron d'Estournelles, who, I found, was already informed of what had occurred, and, in the course of a friendly discussion, protested, as energetically as I could, against the proceedings of Messrs. Delsol and Maréchal and their followers, not only on account of the individual rights invaded and the danger accruing therefrom to the public peace, but because those proceedings constituted a direct violation of an understanding between the two Consulates, whereby a guard representing the English Consulate was maintained on the ground for its protection. I demanded, also, that measures be taken for the immediate evacuation of the ground by the parties who had invaded it, and its restoration to its former condition.

M. d'Estournelles replied that, although disapproving the proceedings in question, he felt he was unable to comply with my demand, as M. Maréchal had shown him a title-deed, in virtue of which he was acting, and he himself knew nothing of any counter-document in the possession of Benayad. I reminded the Baron that Benayad's title-deed ought to be well known at the French Residency, which stands on ground that is included within its circumscribed limits, and that it was through the good offices of M. Cambon that I recovered it last year from sequester at the Bardo. The reason assigned for not interfering with the band of aggressors was far from satisfactory; but, as he told me he had been influenced in his action by the exhibition of M. Maréchal's title-deed, I offered to submit the title-deed of Benayad also to his inspection, a proposition of which he expressed approval. I then took leave of him, and, at a later hour of the day, returned with the document he had expressed a desire to see. I brought also, and submitted to his inspection, what is known in this country by the term "twijja," that is to say, a declaration of survey formally drawn up by "amins," or surveyors specially designated by the Government, for the purpose of inquiring into and reporting upon questions of disputed property. Being placed under the immediate orders and direction of the municipal authorities, their decisions have always been accepted by the Executive Departments of the Government, and by the foreign Consulates, as legally binding.

The "twijja," to which I called the Baron's attention, was executed last year in pursuance of an order I had obtained from the Bardo, on the occasion of a question similar to the one which has given rise to the present difficulty being raised by another French subject, and confirms Benayad in his rightful possession of all the ground specified in the title-deed now contested. A translation of this "twijja" into French I beg respectfully to annex.

M. d'Estournelles informed me that he must refer these documents to M. Summaripa, the Premier Drogman Interprète, and, as M. Summaripa happened to be at the Goletta, it would be impossible to do so until late in the evening. After some further discussion of the affair, it was agreed that there was no necessity for any further inspection of the title-deed, but that I should leave the "twijja," and call again at 9 o'clock the next morning, when he would give me a definitive reply to my demand.

With the mention of M. Summaripa's name all prospect of a favourable solution disappeared, as, although I am not prepared to say how far that officer may be held responsible for the sale of Benayad's property by the "Sadekia," it is a notorious fact that, at the time when that and other transactions of the kind took place, he occupied an all-powerful position at the Bardo, and it is scarcely likely he would fail to support now what he did not then raise a finger to condemn.

Calling again the next morning, I found the Baron as little disposed as ever to accede to my demands. He did not, however, refer again to the question of the title-

deed or "twijja," but declared that, having since our last interview consulted the President of the French Tribunals, he found that he was not himself competent to deal with the affair, and that, in order to obtain the ejectment of the French subjects from the ground in dispute, Benayad had only to bring an action against them before the French Correctional Tribunal. The procedure, now for the first time suggested, was an evident departure from the course hitherto pursued in cases where considerations of a political or international character are concerned, but as I was anxious not to lay myself open to the charge that I had rejected a sure means of obtaining redress I accepted the proposition, under reserve of all the rights I had from the first claimed.

I accordingly recommended Benayad to proceed in the manner last indicated, but the Procureur de la République, to whom the case had to be submitted, declined to act, and insisted that it was a matter which, in his opinion, could only be treated diplomatically. The Judicial Courts, he said, were certainly incompetent to deal with it.

Under these circumstances, I felt I had no alternative but that of referring the case to your Lordship; but I did not carry out this intention till I had afforded my opponent another opportunity of receding from the position he had taken in the matter. By note addressed the same afternoon I informed him that, if reparation were not given within a further term of twenty-four hours, I should be compelled to bring the whole affair to the notice of Her Majesty's Government. A copy of this note, marked Inclosure No. 4, was forwarded to your Lordship's office with my despatch No. 31 of the 16th instant.

Replying to my note on the following day, the Baron admitted the incompetency of the French Judicial Tribunals, and renewed an offer he had made on the occasion of my first interview with him, which was to the effect that guards representing the two Consulates should be placed on the disputed ground, and the contending parties left to fight their own battles before the Tribunal of the "Sharâa." To parties unacquainted with the history or general circumstances of the case the offer may appear plausible. The most cursory review, however, of those circumstances, is sufficient to show that it is wholly inadmissible.

Without entering into an explanation of grounds which must be obviously manifest, I beg to submit some further observations as possibly necessary to a full appreciation of the case.

In this country more than in any other with which I am acquainted, "possession" is really equivalent to "nine-tenths of the law." Occupation of itself constitutes a title, and when accompanied by some formal act of appropriation in favour of the occupant, that fact, notwithstanding the existence in other hands of some older or more genuine title-deed, is generally conclusive. It is not surprising, therefore, that the holders of a title-deed only two years old should make every possible effort to occupy the ground in dispute. In the present case, however, and supposing that strict justice were done, the invaders of Benayad's ground appear to have defeated their object, as, according to the Mussulman law, occupation by means of violence is not admitted.

With regard to the guard who was present on the ground at the time of its invasion by M. Maréchal and his followers, it may be well perhaps I should remark that, although M. d'Estournelles did not deny he had been placed there by the English Consulate, he contended that, according to the agreement come to between us, a guard was to be placed there by each of the Consulates.

The inaccuracy of this statement is self-evident from the fact that, notwithstanding its importance to the French claimants, such an arrangement has never been carried out. Only one guard, representing the English Consulate, has been maintained on the property. If further proof of its inaccuracy were necessary I could show that, at the request of the French Consulate, communicated through this Office, General Benayad was, on the 5th April, 1882, summoned to appear before the Cadi to defend his right to a plot of ground adjoining that now invaded, and with the latter, comprised in the same title-deed, against a claim put forward by a French subject named Bessie. The parties on that occasion presented themselves as required, but the Frenchman, seeing that he could not successfully contest Benayad's title, refused to proceed with the suit, and left the Court.

In the above proceedings an admission is involved on the part of the French Consulate that Benayad was in actual possession of the disputed ground.

Within the limits of ground comprehended in Benayad's title-deed is an enormous block of buildings, consisting of dwelling-houses, cafés, shops, and stores. The plots mentioned in the Act of the "Sadekia" are part of the same property, and adjoin the

block of buildings. Not only is this the case, but I am assured that, among the plots sold by the "Sadekia," is one which is actually surrounded by the foundations of a massive wall which Benayad constructed some eighteen years ago.

In the face of these facts, and with the knowledge which I participate with the public in general, that the ground in dispute has been in the possession of General Benayad for a great number of years, your Lordship will understand that it was not in my power to call into question the General's rights by admitting a French partnership in his property pending the prosecution of a judicial action which may after all never be engaged in.

In my comments on the extraordinary procedure of the French Chargé d'Affaires, I shall exercise every possible forbearance. I feel bound, however, to say that, while affecting injuriously the general interests of the whole British community, it tends to materially attain the reputation and dignity of my office. I venture, therefore, to hope your Lordship will be pleased to require that some suitable reparation be given for the outrage perpetrated.

Having concluded my observations with regard to the unfortunate occurrence of the 14th instant, I feel that the Report would not be complete if I were to omit therefrom some additional remarks of a general nature upon the unsatisfactory state of affairs in this country.

The arbitrary and illegal procedure to which I have been compelled to solicit your Lordship's attention is, I regret to say, of a piece only with the treatment which British subjects have, in a variety of instances, had to undergo. Complaints pour in from all parts of the country, and claims are put forward which, when submitted to the French Residence, are little more than noticed. The conduct of the municipal authorities of this city has of late been especially offensive and arbitrary, and, although I have not failed to bring it to the notice of M. Cambon, disapproval or reparation is neither expressed nor given. As an instance of this, I may mention the case of an encroachment by employés of the Municipality on the very ground which M. Maréchal and his band have invaded when I applied for redress, but my letter (a copy of which is respectfully inclosed) has remained as usual without acknowledgment.

Such a state of things has had the effect of creating a feeling of widespread discontent among all classes of the British population. Many who welcomed the army of occupation, on its arrival, as the precursor of a golden era of social happiness and commercial prosperity, are now animated with sentiments of an opposite character, and there is no doubt the system of governmental administration hitherto pursued has tended greatly to unpopulize the prospect of abolished Capitulations. If it is argued the situation is so unsatisfactory now, what will it be without the protection of the Consulates?

Before closing this Report I must beg to add a few words on behalf of General Benayad. I have reason to believe that, with a view to excuse, if possible, the manner in which he has been treated in the matter of the sale of his property by the "Sadekia," an attempt will be made to blacken his character in the estimation of the French Government; but I venture to hope that so unworthy and unwarranted a stratagem will be received with the contempt it merits. So numerous is the band of reckless and disreputable speculators who are interested in the ruin of this gentleman, and so unscrupulous their ways of procedure, that I doubt not they have succeeded, at the French Residency, in shrouding his name in a clouded atmosphere. Such a thing is, of course, very possible, but that these birds of prey should be supported or countenanced in a course of action so manifestly illegal and immoral by the chief Representatives of France in this Regency it is indeed difficult to understand.

I repeat, that it is with a feeling of extreme reluctance and pain that I find myself compelled to place all these facts and considerations before your Lordship. In doing so, however, I can assure your Lordship that, although, owing to the extraordinary procedure of my French colleague, my position, which has for some time past been one of considerable difficulty, has become scarcely tolerable, I have made every possible effort to bring our differences to an amicable termination. I have failed, yielding to a combination of bad faith and brute force-arms, which, taken together, are, I confess, new to me.

In conclusion, I have only to express a hope, with regard to the undue prolixity of this Report, that my long career and past experience may be regarded as an excuse for the views which I have taken the liberty to record with so much freedom.

I beg to annex a duplicate set of copies of the correspondence inclosed in my despatch No. 31 of the 16th instant with reference to the subject of this Report.

I have, &c,
(Signed) THOS. F. READE.

P.S.—Mention being made in the foregoing Report to M. Roustan's connection with certain occurrences at the Bardo, I feel it is only due to that gentleman I should say that, in all matters savouring of "tripotage," he was undoubtedly "more sinned against than sinning." I have always maintained that he was personally incapable of approving, or in any way connecting himself with, transactions of that nature.

T. F. R.

Inclosure 1 in No. 135.

Declaration of Survey of Property belonging to General Benayad, including Piece of Ground, of which he has been violently deprived by French Subjects, who lay claim to it.

(Traduction de l'Arabe.)

Louange à Dieu !

PAR mandement du Conseil Municipal de Tunis, que Dieu soit son guide ! transmis par un de ses huissiers :

Les notaires soussignés, accompagnés des honorables et respectables Tahar El Ketateny et Aly-El-Benna, experts pour estimer la valeur des immeubles et des terrains : Mohammed Djemilou et Otman Errfahy, experts en travaux agricoles et en toute matière d'agriculture, de El Arby, El Andles, et Mohammed-ben-Ghzala, experts pour l'estimation des arbres fruitiers ; de Mohamed ben Haled, Hassouna Ezelfany et Aly Zokir, experts pour estimer les fruits et les légumes au marché des fruits (fondouk el Ghalla) ; de Ettahar ben Sabar, un des Chefs des Maçons ; et de l'honorable Othman, architecte de la Municipalité ; se sont rendus de par un ordre émané du Ministère très élevé, transmis par l'Aouda Bacha des Mameloucks Hamda Bou Halloufa, sur la requête du très distingué Général de Brigade le Seigneur Hamida Ben Ayad, lequel avait demandé qu'une descente fut faite sur un terrain faisant partie des terres salines de la Marine sur une portion duquel a été construite l'Oukala (grand fondouk) et autres bâtisses, afin d'établir si ce terrain en totalité ou en partie était encore sa propriété, en vertu des titres dont il est nanti, ou non ; par la confrontation des limites de ce terrain, avec ceux mentionnés sur l'acte de propriété susénoncé.

S'étant rendus tous ensemble sur le dit terrain, qui anciennement était connu sous la dénomination de terrain de Ben Ayad ; les experts susnommés l'ayant parcouru en tous sens, et examiné de tous côtés, avec l'attention la plus scrupuleuse, ont reconnu :

Que le dit terrain était enfermé du côté nord par ses propres constructions, c'est-à-dire par celles qui avaient été élevées par le demandeur susnommé, le Général de Brigade Hamida Ben Ayad, et par d'autres dont la description détaillée suivra. Par la Douane des Tabacs et par la Ferme des Cuirs ; du côté du couchant borné aussi par la Ferme des Cuirs et par un terrain appartenant au Diwan dénommé Hofret Eddiwan ; du côté sud ils ont rencontré un chemin, existant encore, lequel est l'extrême limite de ce terrain, ainsi que nous l'ont fait savoir les deux Maltais, Baptiste Calafato et son fils Salvo, lesquels sont des plus anciens horticulteurs de l'endroit ; le résumé des informations atteintes d'eux est : qu'ils savent avec certitude que le dit chemin était la ligne de division de ce terrain de Ben Ayad d'avec celui de Ben el Caleb pour la plus grande partie, et pour une moindre de celui du Diwan, déjà mentionné, sis au côté du couchant de la dite limite ; cette limite se prolongeant encore de 15 mètres du côté du levant dans le jardin du Consulat de France et du Consulat lui-même, étant ainsi continué jusqu'à la route de la Marine, ce qui est la limite au levant du dit terrain. Le restant du jardin susmentionné et le Consulat de France sont sis sur le terrain de Ebn-El-Cateb, qui est précisément celui qui était délimité anciennement de la manière qui a été indiquée par les deux Maltais susnommés.

Mais en suivant les indications contenues dans le dit titre de propriété il aurait été notoire que le dit terrain avait été divisé en quatre parcelles préparées pour y faire de l'horticulture, et faisant partie des terrains saumâtres de la Marine, étant attenant à la Douane des Tabacs, et à la Ferme des Cuirs sis hors de la porte de la Marine de cette ville de Tunis, connu sous la dénomination de terrain de Siffy délimité au sud pour la plus grande partie par une parcelle de terre non cultivée, dite de Ben-El-Cateb, et pour une petite partie par un terrain également inculte faisant partie des biens Habess du Diwan, que Dieu tienne sous sa garde ! au levant par le terrain de Ben-El-Cateb déjà cité ; au nord par un chemin pour une portion, et pour le restant par la Douane des Tabacs et la Ferme des Cuirs déjà indiquée, qui sont des propriétés du Gouvernement ("Beylick") au couchant ; pour une partie par la Ferme des Cuirs ; pour le restant par le terrain du Diwan déjà énoncé.

Tout cela se trouve décrit dans le titre de l'échange (dit "mahaoudha") opéré d'autres terrains ou propriétés contre celui, qui est devenu par cela la propriété du Général de Brigade le Seigneur Hamida Ben Ayad susnommé. Cet acte porte la date des déclarations faites par les parties par devant notaires, qui est celle des derniers jours de Rabiah Ellawl, et celle de la stipulation régulière qui a été retardée jusqu'à la fin du mois de Djoumad Ettany de l'an 1262, écoulé. Il porte écrit en marge la stipulation suivante, dont voici la transcription exacte :

Louange à Dieu ! Après que la propriété du terrain délimité ci-contre fut constatée être celle du Général de Brigade Hamida Ben Ayad, pour lui l'avoir acquise de la manière qui y est indiquée et en avoir payé le montant, le susnommé fit bâtir du côté ayant regard au nord, et de celui du couchant, une Oukala de vastes proportions attenante à la Douane des Tabacs, et fit aussi construire du côté du levant un café, en réservant 10 pics du sud au nord, sur toute la longueur des constructions exécutées susdésignées sur le terrain où se trouvent sises ces bâtisses.

Or, la propriété du terrain susénoncé à l'exception de la partie sur laquelle les constructions ci-mentionnées ont été élevées, et des 10 pics réservés des côtés sud et nord, appartient au dit propriétaire par l'achat valide qu'il en a fait, et par le paiement par lui effectué de la valeur, ainsi qu'il conste du titre en extrait portant la date des premiers jours de Kaâda de l'an 1275, a été transporté et inscrit sur un nouveau titre. Il ne reste donc dans celui-ci que ce qui a été indiqué plus haut, ce qui est validé par le témoignage et la signature du savant et intègre notaire le Cheik Mohammed S'Cheriff, lequel fait mention du terrain susdit en exceptant la partie qui a été couverte de construction du côté du sud. Les mots "du côté du sud" ont été ajoutés après la signature.

Au verso il a été écrit un acte de notoriété ("outhika") où il a été déclaré par les témoins y nommés qu'ils ont parfaite connaissance pour les avoir vus, du café dont il est mention, lequel est percé de cinq portes, dont trois du côté nord et les autres regardant au levant ; ainsi que du magasin faisant suite au dit café du côté du couchant, mais ouvrant aussi au nord, et les deux magasins qui sont la continuation de celui dont il a été parlé du côté indiqué ; et la grande Oukala sur laquelle ont été élevés des appartements au premier étage, ainsi que sur les deux magasins susmentionnés dans la partie susdite, et qui sont séparés de la dite Oukala par une porte conduisant aux appartements du premier étage ; et les deux magasins et la boutique du Souky attenants à la dite Oukala du côté susindiqué, et qui se trouvent divisés de la dite propriété par une porte conduisant à un premier étage, dont il va être fait mention, toutes les ouvertures étant du côté nord ; et les cinq magasins dont les portes ouvrent du côté du levant, et qui font suite au dit café du côté sud, une division entre le café et trois de ces magasins est une porte par laquelle on parvient aux étages supérieurs des maisons dont il va être parlé ; et une autre division qui sépara ceux-là des deux autres magasins est aussi une porte conduisant également à des étages supérieurs ; sur le dit café on a élevé des maisons à deux étages formant quatre appartements, dont deux ayant vue au nord et deux au levant, formant angle entre les portes du dit immeuble.

Le tout a été bâti sur le terrain désigné d'autre part et qui est délimité : au sud, par le reste du dit terrain de propriété du Seigneur Hamida Ben Ayad ; au levant également ; au couchant, par l'ancienne Douane des Tabacs ; au nord, par la route de la Marine.

Les témoins sur la déclaration desquels l'acte de notoriété a été dressé, sont les honorables et intègres Othman Ben Aly Boukemcha, Aly, fils de Abdalla Ettrabelsy, El Mabrouck Ben Mohammed-el-Coût, tous bien connus ; l'acte porte la date des derniers jours de Djouma-Ellawl 1293, et a été dressé par ordre du très savant, illustre, et éminent Cheik le Cadi du rite Malékite, que le Dieu très haut soit son guide et son protecteur !

Ceux qui se sont transportés sur les lieux indiqués, par ordre de qui il a été dit, et qui ont entendu les dires susénoncés, par les personnes susnommées en donnent ici leur témoignage, étant présent l'honorable Moustapha-el-Ingliz, Chef des Janissaires du Consulat de Sa Majesté Britannique et l'un des employés aux écritures du dit Consulat, lequel était porteur y dépositaire du titre de propriété dont la transcription a été faite plus haut.

A la date du dix-neuvième jour du mois heureux de Safar de l'an 1299.

Enregistré à la page 91.

(Signé)

MOHAMMED EL BEDDAY.
MOUSTAPHA LA TOGLY.

Inclosure 2 in No. 135.

Mr. Reade to M. Cambon.

Excellency,

Tunis, April 18, 1883.

I HAVE the honour to transmit to you the accompanying copy of a Petition which has reached me from General Cid Hamida Benayad with reference to an alleged encroachment on property belonging to him in the vicinity of the Administration of excised tobacco on the Marina Parade by employés and workmen in the service of the Bey's Government.

The circumstances of the present case, if accurately described in the inclosed Petition, constitute a violation of right which I am convinced your Excellency will be the first to condemn, and it is under this conviction that I venture to request that some measure of redress may be accorded in favour of my Administré.

If, as I have been given to understand, it is the intention of the Bey's Government to open a new street through the property referred to, it appears to me but just that, before carrying such a project into effect, some understanding on the subject should be come to with the proprietor of the ground.

As proprietor of the ground, the petitioner is surely entitled to more consideration than has apparently been shown to him in the present instance.

I have, &c.

(Signed) THOS. F. READE.

[Inclosures 3 to 7 in No. 135 are duplicates of Inclosures in No. 125.]

No. 136.

Sir J. Drummond Hay to Earl Granville.—(Received June 26.)

(No. 49.)

My Lord,

Tangier, June 13, 1883.

WITH reference to my despatch No. 39 of the 12th April, 1881, transmitting copy of the Regulation arranged between the foreign Representatives and the Moorish Minister for Foreign Affairs, as stipulated in Article XII of the Convention of Madrid, respecting the taxes to be paid by the subjects of foreign Powers, and to my despatch No. 84 of the 7th September, 1881, informing your Lordship that complaints had been addressed to the foreign Representatives by Consular officers at the Moorish ports regarding the amount of the taxes fixed in the Tariff, I have the honour to transmit translation of a letter addressed to the foreign Representatives by Cid Mohammed Bargash, complaining that, though upwards of two years have elapsed since the Regulation regarding taxation had been signed, it had not yet been carried into execution; that about a year after the signing of the Regulation he had been informed by the foreign Representatives that they had received complaints from foreign subjects at the ports respecting the taxes, and had appointed a Commission to report upon the objections which had been raised, and that their Report would be communicated to him.

After waiting ten months for this communication, he had on the 17th January last addressed a letter to the Representatives, pointing out the losses accruing to the Treasury from the non-payment of agricultural taxes by foreign subjects, and he further complained that the stipulations of the Madrid Convention regarding protection were not carried into execution, and he specified the infractions which were committed.

In his present letter, he reminds the Representatives that they had given him a formal assurance that the Report of the Commission on Taxation would be presented on the 20th February last, and that, though nearly four months had elapsed since that date, he had not received any further communication on the subject.

Under these circumstances, he informs the Representatives that it is his intention to instruct the Governors to carry into execution the Regulation regarding taxation, and to require that Consular officers should present their lists of protected persons, that he should direct the Governors not to admit any protected agents except those

employed by merchants doing a large business,* and also not to admit as protected agents† those who are employed by protected Moorish subjects.

The statements made by Cid Mohammed Bargash are perfectly correct, and the conduct of the foreign Representatives has been most culpable. With regard to my conduct, I have to state that on three‡ different occasions I had endeavoured to induce my colleagues to fulfil the engagements we had entered into.

As I have but one officer to assist me in the business of this Legation, and as some of the other Ministers are provided with a more numerous staff, the Commissioners to report on the complaint received from foreign subjects at the ports were selected, with my consent, from the French, Spanish, and Italian Legations.

Illness, absence, and other reasons have been given why the Report had never been prepared by the Commissioners.

From the accompanying copy of the *procès-verbal* of the language held by the Representatives at the meeting which took place at the house of Cid Mohammed Bargash on the 29th ultimo, your Lordship will learn their several opinions, and the language I held upon that occasion.

The United States' Consul-General and the Spanish and Italian Dragomans were appointed Commissioners to report on the complaints regarding taxation. Whilst awaiting the result of this inquiry all the Representatives have admitted that the Moorish Government will be perfectly justified in collecting from foreign subjects the taxes fixed in the Regulation.

My conviction, however, is, that foreign subjects at the ports, backed by interested Consular officers, will resist the collection of the taxes, and that no pressure for payment will be put on them by the Representatives at Tangier.

With regard to the vexed question of protection, though the language of Cid Mohammed Bargash in his letter of the 9th ultimo to the foreign Representatives appears to be very decided, he admits, as will be observed in the *procès-verbal*, "que si un seul Représentant montrait de l'opposition ou insistait à interpréter les clauses de cette Convention différemment à son esprit ou à ses termes . . . il se verrait dans une situation difficile;" in fact, as he has acknowledged to me privately, he will never venture to give orders to Governors to carry into execution the terms of the Convention regarding semsars or other Moorish subjects irregularly protected so long as any one of the Representatives chooses to interpret, or rather to infringe, the stipulations regarding protection as may suit his peculiar views or interests.

M. Scovasso, the Italian Minister,§ continues to afford protection to Moorish subjects who are the agents of other Moorish subjects who he protects, though Articles IV and IX distinctly declare that even native Consular officers cannot extend protection to their dependents.

The Madrid Convention has become a dead letter; even the declaration that I and other Representatives made at the last meeting, requiring that all privileges that are ceded or tolerated by the Moorish Government should be extended to the subjects of the Powers we represent, renders the Treaty null and void, for this Government is powerless to oppose the demand of any Representative who has chosen, or may choose, to dictate his views regarding protection.

When the Agreement of 1863 was entered into between France and Morocco I declined to give my adherence to it, foreseeing the evils which would result. Before the Convention of Madrid was concluded, when the foreign Representatives had meetings, it will be found on reference to the *procès-verbaux* that I repeatedly and vehemently pointed out the evils that might attend the system of merchants having agents who are not under the control of the Moorish authorities, and I predicted the evils which now have become so manifest that even M. Scovasso, the upholder of irregular protection, who took an active part at Madrid when the Convention was framed, apprehending that the protected semsars of Moorish subjects might be withdrawn, has now recommended the abolition of protected agents.||

I put a question, as your Lordship will observe, to Cid Mohammed Bargash regarding the appointment of protected semsars or agents by merchants residing in foreign countries who do business with Morocco.

* French wording of Convention is "en gros."

† See Articles IV and IX of the Madrid Convention.

‡ In Circular letters addressed to the Representatives on March 4 and November 6, 1882, and March 17, 1883.

§ The Italian Minister protects numerous natives, Jewish merchants, and each of these has two protected agents.—J. H. D. H.

|| See M. Scovasso's observation in Circular inclosed in despatch No. 52 of June 18, 1883.—J. H. D. H.

The Minister replied that he could not acknowledge such agents, as being contrary to the terms of the Convention. I put this question, as it had come to my knowledge that the French Minister had issued a ticket of protection to the native agent of a merchant resident in France, and that French citizens in Tangier not doing a business *en gros* are allowed protected semsars; though M. Ordega has declared, as will be seen in his communication to the Representatives the day of the meeting, that he is "tout disposé à se renfermer strictement dans les limites de la Convention." Several merchants at Manchester and other towns doing business with Morocco have requested me to obtain permission to appoint protected agents, which, on the principle of the subjects of all Powers being placed on an equal footing, I cannot now refuse, though I have hitherto done so. The merchants of other Powers have claimed, and will claim, similar rights.

There are many wealthy Moors who will pay liberally for protection, and who constantly appeal to British and other foreign merchants for their nomination as semsars or agents. The action of this Government is already paralyzed by the abuse of protection, by the dictation of foreign Representatives, and by the constant pressure put upon them for the payment of unjust or preposterous claims. Protection is on the increase, and the state of things is becoming daily worse and worse.

The Spanish and other Representatives who are opposed to irregular protection have expressed their opinion* that Cid Mohammed Bargash should address himself to the Signatory Powers, through the Government at Madrid, where the Convention was signed, to call upon them to cause their Representatives at Tangier to carry strictly into execution the terms of the Treaty.

If some step of this character is not taken the Madrid Convention becomes, as I have already said, a dead letter.

The Italian Minister states* that on the question of a protected Moorish subject appointing a native semsar or agent, who is also protected, he has referred to his Government for instructions. He made a similar statement two years ago, but no answer appears to have been received, or at any rate communicated to this Government; and he now declares "que c'est là une affaire à traiter directement entre le Gouvernement Italien et le Gouvernement Marocain, ainsi qu'avec les autres Gouvernements qui ont pris part à la Convention de Madrid;" but he declines to discuss this question with his colleagues.

With regard to the remark made by the Italian Minister,* that the Moorish Government has not fulfilled Article XI of the Convention, which entitles foreign subjects to purchase and hold immovable property, I have the honour to inform your Lordship that at Tangier there has not, to my knowledge, been any opposition offered by the local authorities to the purchase of land by foreign subjects; but this has not been the case at the western ports and in the interior. It cannot, however, be a matter of surprise, for, setting aside the *bonâ fide* purchase of land and houses by foreigners, it is probable, if the Moorish authorities authorized the purchase of land and houses in the neighbourhood of the western ports, such property would be frequently transferred in a fraudulent manner through legal documents to the names of foreign subjects,† whilst the owner would retain a sufficient guarantee to secure himself against a permanent loss by the transaction. He would then probably continue to cultivate the land and to levy rents free of all interference from the Moorish authorities, as the agent of the foreigner.

The Moorish Government, foreseeing this state of affairs, oppose the sale of land, especially as they apprehend that there is very little probability that the agricultural taxes will ever be paid by foreign subjects. Moreover, according to the present system of irregular protection, the peasantry and labourers employed on such lands would obtain protection, or, at any rate, be exempted from the control of the Moorish authorities, giving rise to endless differences and claims.

Such a state of affairs would lead to the collapse of this Government, already in the last stage of dissolution.

I have been prevented addressing your Lordship at an earlier date on the subject of Cid Mohammed Bargash's letter, and the language held by the foreign Representatives at the meeting on the 29th May, as the *procès-verbal* has been circulating, and I was unable to obtain a copy of it until yesterday.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

* See *procès-verbal*.

† This is not a mere supposition; it has been a practice of Europeans as regards cattle and other animals belonging to natives.—J. H. D. H.

Cid Mohammed Bargash to the Foreign Representatives at Tangier.

(Traduction.)

(Louanges à Dieu!)

NOUS demandons toujours de vos nouvelles et prions Dieu que vous soyez heureux et en bonne santé. Après:

Il y a plus de deux ans que les Règlements établis, en exécution des stipulations du Traité de Madrid, ont été signés par nous tous et nous avons cru qu'ils seraient mis en vigueur, mais (quelque temps) après vous nous avez informé que des plaintes étaient parvenues à quelques Ministres de la part des négociants, dans les ports, au sujet des dits Règlements sur l'agriculture et les taxes des portes. Environ une année après nous nous sommes réunis, et j'ai appris alors votre intention de nommer une Commission composée de vos employés pour examiner ces plaintes et vous deviez nous faire part du résultat. Dix mois à peu près se sont écoulés, et nous espérons recevoir des informations à cet égard, mais nous n'avons reçu aucune communication à ce sujet, ni aucune information de vous ni des Ministres qui avaient l'intention d'en référer à leurs Gouvernements concernant la protection donnée aux censeaux et autres.

Des sommes d'argent considérables ont été perdues (pour le Trésor) faute de recettes pendant ce long temps.

Le 7 Rabia I (le 17 Janvier, 1883) nous vous avons adressé une nouvelle lettre et nous vous avons exposé des choses très importantes, savoir:—

1. Ce que nous vous avons déjà déclaré au sujet du manque des recettes pendant longtemps.

2. La nomination des censeaux des sujets étrangers qui ne sont pas des négociants en gros d'importation ou d'exportation, et qui jouissent de la protection irrégulièrement accordée.

3. Des sujets de cet Empire protégés, qui sont des négociants et nomment des censeaux également protégés.

4. Des papiers de naturalisation que nous ne pouvons accepter s'ils ne sont pas conformes aux stipulations du Traité.

Nous vous avons prié de nous informer quand il vous conviendrait de nous réunir chez nous pour prendre tous ces points en considération et régler toutes les questions selon le Traité de Madrid, car c'est le désir de notre Maître le Sultan, et le nôtre également, de nous conformer à la lettre aux dites stipulations et de ne laisser (en suspens) aucune affaire qui puisse produire des questions désagréables. Vous nous avez répondu que vous vous empresseriez de nommer une Commission de vos subordonnés pour examiner tout cela, et vous nous aviez promis que le Rapport serait prêt pour le 20 Février dernier; or, il y a bientôt quatre mois que nous avons écrit et nous n'avons plus rien appris de vous jusqu'à ce jour.

Comme le temps approche de payer les droits et dîmes sur les terres labourées et sur les animaux, et que nous avons reçu des plaintes de plusieurs Gouverneurs de ce que les négociants et sujets protégés des nations étrangères refusent de payer les droits établis conformément au Règlement précité, il est de notre devoir d'écrire aux Gouverneurs de mettre en vigueur les Règlements que nous avons tous signés, et nous vous prions de donner des ordres à vos officiers Consulaires pour faire exécuter le dit Règlement.

Ayant appris que quelques sujets des nations étrangères ont plus de censeaux pour leur commerce que les stipulations ne le permettent, nous ordonnerons aux Gouverneurs, pour empêcher cela, de nous envoyer chaque année les listes des protégés, qu'ils reçoivent des Consuls et Vice-Consuls, munies de leur sceau, et d'en garder une copie, et de ne reconnaître ni d'accepter aucun protégé autres que ceux inscrits sur ces listes. Nous leur enjoignons en outre de ne reconnaître comme censeaux que ceux employés par les sujets étrangers qui font le commerce en gros, et pas (les censeaux) des protégés, conformément au Traité.

Amitié et paix!

Écrit le 2 Rajeb, 1300 (le 9 Mai, 1883).

(Signé)

MOHAMMED BARGASH.

Protocol of Meeting of Foreign Representatives, held at Tangier, May 29, 1883.

Étaient présents :

M. le Ministre des Affaires Étrangères de Sa Majesté le Sultan.
 M. le Ministre de Belgique, représentant la Suède et la Norvège.
 M. le Ministre d'Espagne.
 M. le Consul-Général des États-Unis d'Amérique.
 M. le Ministre de la Grande-Bretagne, représentant aussi l'Autriche-Hongrie, le Danemark, et les Pays-Bas.
 M. le Ministre d'Italie.
 MM. les Ministres d'Allemagne, de France, et de Portugal, ce dernier représentant aussi le Brésil, empêchés d'assister, sont représentés par MM. les Ministres de la Grande-Bretagne, de l'Espagne, et M. le Consul-Général d'Amérique respectivement.

LA séance est ouverte à 2 heures 45 minutes soir.

Son Excellence Cid Mohammed Bargash prie M. Rinaldy d'être le Secrétaire et M. Gianatelli Gentile l'Interprète dans la présente séance.

Il dit que n'ayant rien à ajouter à sa lettre Circulaire du 9 courant adressée à MM. les Représentants, et n'ayant provoqué cette réunion qu'à la demande de ceux-ci, il les prie de vouloir bien émettre leurs opinions au sujet de la dite lettre.

M. le Ministre de la Grande-Bretagne, au nom de son collègue d'Allemagne, donne lecture des suivantes observations que M. Weber lui a remises à l'effet :—

"M. Weber se réfère en général à ce qu'il a déclaré dans la dernière réunion chez Cid Mohammed Bargash.

"Quant aux quatre points que son Excellence a spécifiés dans sa dernière Circulaire, en date du 2 Redjeb (9 Mai, 1883), il ajoute :—

"Ad No. 1. Que 'le manque de recettes' allégué par M. le Ministre du Sultan provient de ce que les autorités locales n'ont point exécuté partout et exactement les stipulations du Règlement du 30 Mars, 1881, rédigé par le Corps Diplomatique et accepté aussi bien par lui que par le Gouvernement de Sa Majesté Chérifiennne. Le Ministre Résident est d'avis qu'il est urgent à exécuter toutes les stipulations du Règlement, et que, s'il y aurait des Articles difficiles ou impossibles à exécuter, il serait au Gouvernement du pays de proposer les changements nécessaires à y introduire; car ce dernier connaît mieux les difficultés que le Règlement offre dans la pratique que les Représentants étrangers.

"Ad Nos. 2 et 3, il est d'avis que la Convention de Madrid répond clairement à ces questions dans ce sens, que les petits marchands, aussi bien que les sujets Marocains protégés par les étrangers, sont exclus du privilège d'avoir des censeaux.

"Ad No. 4, il fait observer que la question serait tranchée si Sa Majesté le Sultan, par un acte législatif de sa part, voudrait refuser aux Marocains naturalisés en pays étranger le séjour dans ses États. Il est persuadé qu'aucun Gouvernement étranger ferait objection à une mesure de cette nature, qui a été adoptée et s'adopte encore en divers États, lorsqu'il est nécessaire."

M. le Ministre de Belgique dit qu'en ce qui concerne les censeaux il lui semble absolument clair que les négociants étrangers, en gros et établis dans le pays, aient seuls le droit d'avoir des censeaux; et que ce droit n'appartient, en vertu des termes de l'Arrangement de 1863, confirmé par la Convention de Madrid, ni aux indigènes protégés, ni aux Interprètes des Consuls. Cependant comme, d'un autre côté, il ne peut refuser à ces nationaux d'user des privilèges qui seraient accordées par le Gouvernement Marocain aux sujets d'autres Puissances, il a l'ordre de son Gouvernement de réclamer, le cas échéant, l'égalité de traitement.

Cette déclaration faite, M. Daluin ajoute que, quant aux autres points de la Circulaire de Cid Mohammed Bargash, il se rallie à l'avis de son collègue d'Allemagne.

Il fait ces mêmes déclarations au nom de la Suède et la Norvège.

M. le Ministre d'Espagne partage absolument l'opinion de MM. les Ministres d'Allemagne et de Belgique sur les quatre points indiqués dans la lettre de Cid Mohammed Bargash.

M. le Consul-Général des États-Unis d'Amérique adhère à l'avis de ses honorables préopinants; mais il doit faire observer, quant aux sujets Marocains qui ont obtenu ou

obtiendront à l'avenir la naturalisation étrangère, qu'il se tiendra à la Convention de Madrid, qui a déjà statué sur ce point, et dont l'observance lui est recommandée par son Gouvernement; et en ce qui se réfère au Règlement du 30 Mars, 1881, tout en reconnaissant la raison de Cid Mohammed Bargash, il demande s'il ne serait pas opportun de prier la Commission nommée pour examiner les plaintes des négociants d'activer ses travaux.

Il réserve à son Gouvernement le droit au traitement de la nation la plus favorisée si le Maroc accordait de privilèges à des personnes d'autres nationalités.

M. le Ministre d'Espagne lit, et demande insertion au présent procès-verbal, des déclarations de son collègue de France :—

"1. En ce qui concerne l'application du Règlement des taxes, si un accord est possible, M. le Ministre de France se ralliera à la résolution qui sera adoptée par la majorité de ses collègues.

"2. Quant à la question des censeaux, la Légation de France s'est jusqu'ici conformée aux termes de la Convention de Madrid et n'a point donné de censeaux aux protégés Français. M. Ordega se déclare encore tout disposé à se renfermer strictement dans ces limites, à la condition que le Gouvernement Chérifienn refuse de reconnaître les censeaux de tous les autres protégés étrangers. Mais du moment où le Gouvernement Marocain usera, sur ce point, de tolérance vis-à-vis d'autres Puissances, il réserve pour la France le traitement de la nation la plus favorisée, et il cessera de refuser à ses protégés un privilège attribué à ceux d'autres Puissances."

M. le Ministre de la Grande-Bretagne s'exprime en ces termes :—

"Je ne puis qu'admettre la justice de la plainte faite par Cid Mohammed Bargash dans sa lettre du 9 Mai, qu'après un si long délai et les promesses qui lui ont été faites à différentes reprises, les Représentants n'ont pas rempli leur engagement de lui communiquer les modifications qu'ils veulent introduire dans le Règlement sur les taxes, qu'ils ont signé le 30 Mars, 1881.

"Mes honorables collègues savent que j'ai fait des démarches à trois différentes reprises pour obtenir le Rapport de la Commission nommée par nous tous, et que, lorsque les membres de cette Commission ont demandé de moi, comme Doyen, des instructions plus précises, j'ai préparé et soumis aux Représentants ces instructions, qui ont été approuvées et remises à la Commission.

"Comme aucun Représentant ne pouvait proposer à ce Gouvernement une modification ou un changement du Règlement sans le consentement de ses collègues, il était inutile de faire des démarches isolées en ce sens.

"Je partage l'opinion de M. le Ministre d'Allemagne que le Gouvernement du Maroc est dans son droit s'il met en exécution le Règlement sur les taxes rédigé par les Représentants et signé par eux et par le Ministre du Sultan. Si les Représentants ont des modifications à proposer, ils doivent les présenter.

"Dans la séance des Représentants tenue chez Cid Mohammed Bargash le 25 Janvier dernier, j'ai annoncé que j'acceptais l'interprétation donnée par lui aux Articles de la Convention de Madrid, au sujet de la protection, dans sa lettre du 17 Avril, 1881, et qui est répétée dans sa lettre du 9 courant, et que je serai prêt à rayer de mes listes les noms des indigènes, censeaux ou autres, que Cid Mohammed Bargash m'indiquerait comme étant irrégulièrement protégés, dans le cas que les Gouvernements que je représente approuveraient cette démarche.

"En réponse à la référence que j'avais fait au Gouvernement Britannique à ce sujet on m'a informé qu'on approuve que j'ai accepté l'interprétation donnée par Cid Mohammed Bargash aux Articles de la Convention sur la protection, et que j'étais autorisé à rayer de ma liste les noms des censeaux jouissant de la protection Britannique, qui n'étaient pas employés par des négociants faisant le commerce en gros, et aussi les noms des censeaux employés par des officiers Consulaires sujets du Sultan ou par d'autres indigènes, comme étant contraire aux Articles IV et IX de la Convention de Madrid, et on m'a donné ordre de faire cette déclaration à la première séance des Représentants qui aurait lieu, pourvu que tous les Représentants fussent d'accord de poursuivre la même ligne de conduite à ce sujet; mais que dans le cas où le Représentant de quelque Gouvernement étranger insisterait sur l'extension de la protection au-delà des limites prescrites dans la Convention de Madrid, et que le Sultan le tolérerait, le Gouvernement de Sa Majesté Britannique n'était pas disposé de se priver de réclamer les mêmes privilèges.

"Je fais cette déclaration aussi comme Représentant de l'Autriche-Hongrie, du Danemark, et des Pays-Bas.

"Je profite de cette occasion pour demander à Cid Mohammed Bargash si les négociants faisant le commerce en gros avec le Maroc, qui résident en Europe et n'ont

pas un comptoir dans ce pays dirigé par un agent Européen, ont le droit d'avoir des censaux protégés; parce que plusieurs maisons de commerce en Angleterre et Gibraltar m'ont adressé des demandes pour la nomination des censaux, et j'ai refusé d'y donner suite jusqu'à présent."

Cid Mohammed Bargash répond négativement: "Cette demande," dit-il, "est contraire à la Convention de Madrid."

M. le Ministre d'Italie adhère complètement aux idées de ses honorables préopinants en ce qui regarde la mise en exécution du Règlement sur les taxes. Il fait observer que si plusieurs Commissions ont été nommées et elles n'ont pas agi, cela n'a pas été toujours leur faute; c'est parce qu'il y a eu quelquefois des changements des uns ou des autres membres. Cependant, comme un retard si prolongé ne saurait continuer sans grave préjudice pour le Gouvernement Marocain, il vote pour que ce Règlement soit mis en exécution, sauf à le modifier si les réclamations auxquelles il a donné lieu seraient reconnues justes.

En ce qui concerne le deuxième point de la Circulaire de *Cid Mohammed Bargash*, il est parfaitement d'accord avec *M. le Ministre de Sa Majesté le Sultan*.

Quant au troisième point, qui traite de la nomination des censaux par des sujets de cet Empire jouissant de la protection étrangère, il dit qu'ayant soumis cet incident à son Gouvernement, il attend ses instructions. *M. Scovasso* croit que c'est là une affaire à traiter directement entre le Gouvernement Italien et le Gouvernement Marocain, ainsi qu'avec les autres Gouvernements qui ont pris part à la Convention de Madrid.

Sur le quatrième point, qui parle de la naturalisation des sujets Marocains à l'étranger, il pense que *Sa Majesté le Sultan*, comme Souverain du pays, aurait le droit de ne pas admettre dans ses États ceux de ses sujets qui ont obtenu la naturalisation étrangère; mais dans ce cas, il faudrait obtenir sur ce sujet l'assentiment des Gouvernements qui ont adhéré à la Convention de Madrid, comme le dit très bien notre honorable collègue d'Allemagne.

"Si nous avons eu un tort," dit *M. Scovasso*, "celui d'avoir retardé la mise en exécution du Règlement sur les taxes, je crois que le Gouvernement Marocain en a un plus grand: c'est celui de ne pas loyalement et franchement accorder le droit de propriété qu'il a promis dans la Convention de Madrid. J'espère que lui, aussi, reconnaîtra la nécessité de faire cesser les oppositions à ce sujet."

M. le Consul-Général des États-Unis d'Amérique répète de la part de *M. le Ministre de Portugal* et Représentant du Brésil ce qu'il a déjà dit en son propre nom comme Représentant de son propre pays.

M. le Ministre d'Espagne dit que le Gouverneur de Casablanca a refusé de montrer à son Vice-Consul les listes des personnes protégées par ses collègues d'autres nationalités. Il fait observer que ce refus est contraire à l'esprit de la Convention de Madrid: il empêche de savoir si cette Convention est observée et si toutes les nations jouissent également des mêmes privilèges. À son avis les copies des listes en pouvoir des Gouverneurs dont les originaux seront envoyés au Ministre des Affaires Étrangères du Sultan à Tanger, doivent être exhibées à ceux des Agents Consulaires de nationalité différente, toutes les fois que ces Agents désireraient les voir, et même en prendre copie. Il prie *Cid Mohammed Bargash* de lui dire s'il est disposé à donner des ordres en ce sens à tous les Gouverneurs de la côte. *M. Diosdado* demande sur ce point une réponse catégorique.

Tous les Représentants partagent l'avis de leur collègue d'Espagne, et *Cid Mohammed Bargash*, le trouvant aussi parfaitement d'accord avec l'esprit de la Convention de Madrid, promet l'envoi des ordres demandés par *M. Diosdado*.

M. le Ministre d'Espagne redemande la parole pour une observation que lui ont suggérée les réserves de quelques Représentants, spécialement de *M. le Ministre de la Grande-Bretagne*, qui les a faites par ordre exprès de son Gouvernement, et en vertu des instructions qu'il a demandées.

"Tout en reconnaissant," dit-il, "que de la part du Gouvernement Marocain la Convention de Madrid est loyalement observée, je ne puis, malheureusement, supposer qu'elle le soit de même de la part des autres Gouvernements sans exception; dès le moment que *Cid Mohammed Bargash* a cru devoir nous réunir pour les motifs qu'il l'a fait, et que des réserves ont été faites, exigeant le traitement de la nation la plus favorisée, cette supposition devient impossible.

"Je ne crois pas devoir les faire moi-même en ce moment et par ma propre autorité, mais j'estime que je devrai en donner connaissance à mon Gouvernement, pour démontrer que la Convention de Madrid pourrait un jour devenir lettre-morte dans ses principaux Articles.

"Or, je me permets de demander à *M. le Ministre des Affaires Étrangères du Sultan* si son Gouvernement est réellement sûr d'obtenir que tous les Représentants se conforment à la Convention de Madrid, car si elle n'est pas strictement observée, les intérêts politiques de l'Espagne, intimement liés au maintien de l'indépendance Marocaine, en souffriraient.

"Le Ministre du Sultan devrait, à mon avis, s'adresser, le cas échéant et dans ce but, aux Puissances Signataires de la Convention, pour en demander la stricte observance."

(*M. le Ministre de Belgique* et d'autres Représentants font observer que les Conférences ayant eu lieu, et la Convention ayant été signée à Madrid, cette démarche pourrait se faire par l'entremise du Gouvernement Espagnol.)

" Ou bien," poursuit *M. Diosdado*, "et selon la proposition de *M. le Ministre de Belgique* et l'avis d'autres Représentants à Madrid où les Conférences ont eu lieu, afin que le Gouvernement Espagnol s'adresse aux autres Parties Contractantes."

Cid Mohammed Bargash répond que son Gouvernement est décidé à observer la Convention de Madrid, et à ne pas en consentir la moindre infraction, mais qu'il devait franchement déclarer que si un seul Représentant montrait de l'opposition ou insistait à interpréter les clauses de cette Convention différemment à son esprit ou à ses termes — et la présente séance démontre qu'il y a quelques désaccords sur ce point — il se verrait dans une situation difficile, qu'il désire ardemment éviter, ses plus vifs désirs étant de ne jamais se voir en discussion ou conflit avec aucune des Puissances qui sont toutes amies de son Souverain. Le Ministre du Sultan a la confiance de voir bientôt disparaître ce désaccord, qu'il considère comme passager.

"Si jamais je me trouvais dans la situation difficile que j'ai citée," dit *Cid Mohammed Bargash*, "et comme le Maroc n'a pas de Représentants près des Puissances Chrétiennes, je suivrai naturellement la conduite que vient de m'être indiquée, et dont j'exprime mes remerciements les plus sincères et mon entière gratitude."

MM. les Représentants accordent que le Règlement du 30 Mars, 1881, soit mis en exécution.

Ils accordent, en outre, qu'une Commission, sous la présidence de *M. le Consul-Général des États-Unis d'Amérique*, examinera les réclamations et les plaintes des négociants étrangers sur ce même Règlement. Ce travail achevé, la Commission en présentera le Rapport aux Représentants, et s'il y aurait lieu à adopter des modifications, elles seront par eux proposées à *Cid Mohammed Bargash*. Cette Commission sera composée de *M. A. Rinaldy* et *M. A. Gianatelli Gentile*, Premiers Drogmans des Légations d'Espagne et d'Italie, et *M. Manuel de J. Colaço*, Vice-Consul de Portugal.

La séance est levée à 6 heures du soir.

(Signé)

MOHAMMED BARGASH.
ERNEST DALUIN.
J. DIOSDADO.
F. A. MATHEWS.
L. ORDEGA.
J. H. DRUMMOND HAY.

J'oubliai de remarquer plus haut que l'exécution de la Convention de Madrid n'a pas été observée non seulement sur l'Article des simsars, mais sur bien d'autres Articles, et le cas échéant, je pourrais le démontrer.

(Signé)

ÉT. SCOVASSO.

Tout en remerciant la nomination de *M. Manuel de J. Colaço* pour faire part de la Commission d'Examen des plaintes contre le Règlement sur les taxes, je ne puis pas l'accepter, car mes employés se trouvent actuellement surchargés de travail. Quant aux autres points du procès-verbal, *M. le Représentant des États-Unis* ne savait pas dans le cours de la discussion, que j'y devais faire, comme je fais formellement ici, la déclaration suivante:—La conduite de *Cid Mohammed Bargash* envers le Représentant de *Sa Majesté Très Fidèle* sera le guide de celle à observer par celui-ci sous le rapport de la Convention de Madrid. C'est une réserve dont l'explication sera donnée à qui de droit.

(Signé)

JOSÉ DANIEL COLAÇO.

Vu pour le Ministre Résident d'Allemagne.

(Signé)

V. A. WM. TIETJEN.

Vu que M. Manuel de J. Colaço ne peut pas servir sur la Commission nommée pour les raisons spécifiées, je prierais notre honorable collègue de France de vouloir bien permettre la rénomination de M. de Montfraix, qui était déjà membre de cette Commission avant son départ pour Maroc.

(Signé) F. A. MATHEWS.

M. Montfraix a son temps pris à la Légation de France et regrette de ne pouvoir accepter la proposition.

(Signé) L. ORDEGA.

(Reçu le 11 Juin.)

Je regrette que M. Manuel Colaço et M. Monfraix soient empêchés de prendre part dans la Commission, mais j'espère que les deux autres membres déjà nommés sous la présidence de M. le Consul-Général des États-Unis voudraient bien examiner les réclamations et présenter leur Rapport expédié le 12 Juin.

(Signé) J. H. DRUMMOND HAY.

Vu.

(Signé) ERNEST DALUIN.
J. DIOSDADO.
F. A. MATHEWS.
L. ORDEGA.
ET. SCOVASSO.
J. B. COLAÇO.

No. 137.

Sir J. Drummond Hay to Earl Granville.—(Received June 26.)

(No. 50.)

My Lord,

Tangier, June 14, 1883.

WITH reference to my despatch No. 49 of yesterday's date, I have the honour to inform your Lordship that I shall transmit a copy of Cid Mohammed Bargash's letter and of the *procès-verbal* to the Governments of Austria-Hungary, Denmark, and the Netherlands, which I represent, and shall afford those Governments explanations of an identic character to those contained in my despatch to your Lordship.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 138.

Sir J. Drummond Hay to Earl Granville.—(Received June 26.)

(No. 52.)

My Lord,

Tangier, June 18, 1883.

WITH reference to my despatch No. 49 of the 13th June, transmitting a letter from Cid Mohammed Bargash and a *procès-verbal* of a meeting of the foreign Representatives held at his house on the subject of protection, I have the honour to transmit copy of a Circular letter I addressed my colleagues as Doyen, transmitting the Petition of several protected Jewish merchants to the foreign Representatives, pointing out the disadvantageous position they will be placed in if the protected agents, called *semsars*, are withdrawn from them.

In my remarks in this Circular, it will be observed that I admit that the native traders are placed in a disadvantageous position, but that the Representatives cannot alter the stipulations of the Madrid Convention to meet their wishes; that should the Signatory Powers decide to make any alteration in that Convention, it would be desirable that the protection granted to *semsars* should be withdrawn.

The Italian Minister also, who has hitherto upheld the right of his Jewish protégés to protect Moorish subjects contrary to the Madrid Convention, recommends the abolition of protected agents if he be not allowed to continue to give protection to the agents of his protégés.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 138.

Sir J. Drummond Hay to the Foreign Representatives at Tangier.

Messieurs,

Tangier, le 29 Mai, 1883.

J'AI l'honneur de vous communiquer la lettre ci-incluse de plusieurs négociants indigènes de cette ville, jouissant de la protection étrangère, qui m'est parvenu sous une enveloppe adressée au Doyen du Corps Diplomatique.

Je vous prie de me faire savoir la réponse que vous proposez de faire à cette requête.

Agréé, &c.

(Signé) J. H. DRUMMOND HAY.

Inclosure 2 in No. 138.

Petition of Jewish Merchants at Tangier to the Foreign Representatives.

(Translation.)

Excellencies,

Tangier, May 28, 1883.

THE Undersigned, who are under the protection of foreign Powers, and are merchants residing in this town, have the honour to bring under the notice of your Excellencies the following statement, submitting to your high and distinguished consideration how inconvenient and prejudicial would be to our interests the measure which, we are given to understand, it is intended to carry into effect, viz., that the protection enjoyed by *semsars* is to be limited to those of foreign subjects. Your Excellencies are well aware that the *semsars* are the principal element of commerce in this country; by their means sales and purchases of the articles of importation and exportation are effected.

Should the *semsars* not enjoy foreign protection, commerce, both our own and that of Europe, would suffer considerably, but if such a measure is carried into effect, which we trust will not be the case, owing to the impartiality and justice which characterize your Excellencies, the gravity of the evil would weigh only upon those who are not foreign subjects, for whom the gates of commerce would be closed if protection is not extended to their *semsars*, for they would not be able to compete in any of the markets with the *semsars* of foreign subjects, for whom, for reasons it would be prolix to enumerate, commerce would remain a monopoly in this country, to the prejudice of every one else.

If the members of the Madrid Conference had had any idea of the manner in which mercantile transactions are conducted in Morocco, they most certainly would not have confirmed the Convention of 1863, which, with respect to *semsars* of protected persons, has fallen into desuetude during the last twenty years.

We humbly beseech your Excellencies to deign to take into consideration this most important and vital cause which we plead, thereby giving a further proof of the interest your Excellencies always take in defending and protecting the development of the commerce of this country in general.

Here follow the signatures of sixteen protected Jewish merchants.)

Inclosure 3 in No. 138.

Answers of the Foreign Representatives.

JE regrette, pour ma part, de ne pouvoir accueillir la Pétition que les notables négociants Israélites de Tanger ont jugé à propos de nous adresser. Il n'est pas au pouvoir des Représentants étrangers de modifier, en quoi que ce soit, la Convention de Madrid, dont j'ai, pour ce qui me concerne, l'ordre de faire observer scrupuleusement les dispositions.

Il me semble, d'ailleurs, que la privation du droit d'avoir des censeux protégés ne serait pas plus préjudiciable à ces négociants qu'elle ne l'est à un grand nombre de commerçants indigènes, qui ne jouissent pas de ce privilège.

(Signé)

ERNEST DALUIN.

Idem, et j'ajouterais que le raisonnement des pétitionnaires prouve que la Convention de 1863 a créé un privilège de commerce contraire à la lettre et l'esprit de tous les Traités, que les Puissances étrangères ont célébrés avec le Maroc. Les pétitionnaires demandent que le dit privilège s'étend à eux, mais à mon avis, conforme à celui du préopinant, cela serait contraire à la Convention de Madrid.

(Signé) DIOSDADO.

La Légation de France est hors de cause, car elle n'accorde de censeaux qu'aux négociants Français. Mais si le Gouvernement Marocain continue de reconnaître les censeaux attribués à des protégés d'autres Puissances, c'est qu'il considère les dispositions conventionnelles comme lettre-morte, et dès lors je ne suis pas surpris que les pétitionnaires réclament une tolérance dont ils ont joui jusqu'ici. La continuation de cette tolérance constitue un privilège dont tous les protégés pourront se prévaloir pour en obtenir également le bénéfice.

(Signé) L. ORDEGA.

Je regrette, comme notre honorable collègue de Belgique, de ne pouvoir accueillir la Pétition que nous ont adressée les respectables négociants Israélites de Tanger, comme les Représentants ne peuvent pas modifier la Convention de Madrid. Les Articles IV et IX stipulent que les indigènes protégés, même s'ils occupent les postes de Consul, Secrétaire, ou Interprète, ne peuvent pas étendre la protection aux autres indigènes, et l'Article I^{er} déclare que les Traités Britanniques et Espagnols sont en force quant à la protection "sauf les modifications qui sont apportées par la Convention." De plus, aucun Article dans ces Traités stipule que des censeaux ou autres agents des négociants seraient sous la juridiction et protection des Consuls.

Dans les séances des Représentants avant la conclusion de la Convention de Madrid, j'avais exprimé, à plusieurs reprises, mon opinion que les censeaux protégés deviendront une source d'abus et produiront de grands torts au commerce en général.

Les censeaux, avec peu d'exceptions, sont des "vaches à lait" pour les négociants qui les emploient. Ils ne sont jamais payés, mais ils payent largement cette protection. J'en ai les preuves.

Les censeaux exemptés de la juridiction des Gouverneurs paralysent le peu d'autorité qui existe dans le pays, et si ce Gouvernement est obligé de continuer de tolérer l'infraction de la Convention à cause de l'insistance de quelqu'une des Puissances Signataires, les autres Représentants exigeront les mêmes privilèges pour leurs ressortissants et l'abus de la protection des censeaux augmentera, et un coup fatal sera donné à tout Gouvernement en Maroc.

Je ne puis qu'admettre que les négociants indigènes protégés qui ont signé cette Pétition et tous les autres négociants non protégés ont juste raison de se plaindre que les négociants étrangers sont placés par la Convention de Madrid dans une position anormale, qui leur donne le monopole du commerce, comme leurs censeaux sont maîtres des marchés dans l'intérieur.

S'il était jamais question de changer ou de modifier la Convention de Madrid à ce sujet, ce doit être pour effectuer l'abolition des censeaux protégés, et que le Sultan alors soit requis de donner des ordres sévères aux Gouverneurs et Cheikhs dans l'intérieur de ne pas toucher aux personnes ou aux biens des agents des négociants étrangers ou indigènes, mais que ces agents ne soient pas choisis, comme à présent, parmi les fermiers riches de l'intérieur, et que s'il y a cause de plaintes contre ces agents, qu'on les envoie aux ports pour être jugés par les Gouverneurs où les négociants résident.

Avant la Convention de Madrid cet état des choses existait quant aux agents des négociants Britanniques et des autres Puissances que je représente, et j'ai eu très rarement occasion de me plaindre. Avec le présent système je reçois incessamment des plaintes, soit des négociants, soit des Gouverneurs, par voie de Cid Mohammed Bargash, à cause des abus pratiqués d'un côté ou de l'autre, et ces plaintes augmentent chaque jour.

(Signé) J. H. DRUMMOND HAY.

Je suis de l'avis de mon honorable collègue d'Espagne pour la seconde partie de ses observations.

Ayant accordé aux seuls négociants étrangers le privilège d'avoir des semsars protégés on a—sans doute sans le vouloir—créé un monopole car, en excluant de ce privilège les négociants indigènes protégés qui en ont joui avant, pendant, et après le Règlement des Protections de 1863, et qui sont presque les seuls négociants indigènes qui leur font la concurrence, on a livré le commerce du Maroc à la merci des négociants étrangers qui, avec leur intelligence supérieure et leurs semsars protégés ne trouvant plus de concurrence, seront les arbitres des marchés de l'intérieur au grand détriment de la richesse et de la prospérité du pays.

Je crois qu'il n'est pas conforme aux principes de justice de ruiner le pays et les négociants indigènes pour enrichir les négociants étrangers, d'autant plus que parmi les indigènes se trouve une race (les Israélites) qui par son activité et son intelligence est un élément de civilisation que, dans l'intérêt même du Maroc, nous ne devrions pas abandonner, mais aider et encourager.

Or, comme le dit très justement notre honorable collègue d'Espagne, les monopoles ayant été abolis par les Traités stipulés avec le Maroc, les pétitionnaires ont raison, selon moi, de demander la continuation du droit qu'ils ont eu jusqu'ici, d'avoir des semsars protégés—droit qui leur a été implicitement octroyé par l'Article XV du Traité Hispano-Marocain de 1861.

Je crois donc que pour être en harmonie avec les prescriptions des dits Traités, et comme hommage à la justice, on devrait continuer d'accorder aux négociants indigènes protégés le droit d'avoir des semsars protégés et d'étendre ce même droit au très petit nombre des négociants indigènes non protégés; ou bien, abolir ce droit—et ceci me paraît le meilleur parti que l'on puisse prendre—pour tous, procédant, s'il le faut, à une révision de la Convention de Madrid.

Lorsqu'il n'y aura plus de semsars il n'y aura plus d'abus—de ces abus qui sont la source intarissable de réclamations—et la prospérité du pays en profiterait, et la force même de l'État y gagnerait; mais dans ce cas il faudrait que le Gouvernement Chérifien nommât dans les provinces où existent les marchés, des autorités d'une probité à toute épreuve. Qu'on ne dise pas que ceci est impossible à trouver au Maroc, car en les cherchant bien et en les payant raisonnablement on les trouverait.

(Signé) ET. SCOVASSO.

Je suis de l'avis de notre honorable collègue d'Italie. Certes, sous le rapport des négociants respectables et de probité qui, comme les signataires de la Pétition et autres, font un commerce légal, ils se servent des semsars pour pouvoir faire dans l'intérieur les opérations indispensables à leur commerce, qu'ils ne pourraient pas réaliser sans cet auxiliaire.

Comme cependant la Convention de Madrid ne statue à cet égard qu'en rapport aux négociants étrangers, il me semble que l'affaire est assez importante pour être soumise à nos Gouvernements respectifs, non seulement dans le but d'obtenir, par une révision de la Convention ou un Protocole Additionnel, que les négociants protégés puissent jouir du même droit que les étrangers, mais pour que nos Gouvernements, d'un commun accord avec celui de Sa Majesté le Sultan, avisent aussi au déracinement des abus signalés par notre honorable collègue de la Grande-Bretagne, lesquels ne peuvent être commis que par des négociants hors la classification ci-dessus mentionnée, pour lesquels le semsar ne serait pas le moyen du développement d'un commerce légal, mais l'objet d'une spéculation illégale.

(Signé) JOSÉ D. COLAÇO.

No. 139.

M. Mancini to M. Catalani.—(Communicated to Earl Granville by M. Catalani, June 26.)

(Télégraphique.)

Rome, le 24 Juin, 1883, 10 h. 10 m. du soir.

JE me réserve de répondre au sujet de la question de juridiction à Tunis, aussitôt que j'aurai sous les yeux les rapports écrits confirmant vos télégrammes du 23.

Je vous prie, en attendant, de vouloir bien remercier Lord Granville et de l'assurer de notre vif désir de continuer avec sa Seigneurie un échange de vues éminemment utile.

Vous pourriez saisir cette circonstance pour faire remarquer dès maintenant que l'abandon de l'immunité de la résidence Consulaire ne paraît devoir être, avant d'y consentir, l'objet d'une mûre considération.

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Le Gouvernement Français ne la demande pas et il nous paraît d'ailleurs que ce privilège, n'ayant avec la question de juridiction aucune connexion, mais découlant du principe de l'extra-territorialité assurée en Orient aux Résidences Consulaires tout aussi bien qu'aux Résidences Diplomatiques, peut nous épargner bien des fois des complications fâcheuses.

No. 140.

Question asked in the House of Commons, June 26, 1883.

Mr. Montague Guest.—To ask the Under-Secretary of State for Foreign Affairs, whether his attention has been called to a statement of the correspondent of the "Daily News," in the edition of yesterday, with regard to the Capitulations with Tunis, to the effect that an arrangement has been settled between France and this country; and, if he will state what that arrangement is.

Answer.

Her Majesty's Government have been in communication with the Government of France, and have every reason to believe that a satisfactory settlement of this question will be arrived at, but they cannot at present make any further statement.

No. 141.

Earl Granville to Sir A. Paget.

(No. 158A.)

Sir,

Foreign Office, June 26, 1883.

THE Italian Chargé d'Affaires spoke to me again this afternoon on the subject of the new Tribunals in Tunis, and gave me a telegram from M. Mancini, of which I inclose a copy, urging the necessity of maintaining the immunities at present attaching to Consular residences.*

I told M. Catalani that any observation of the Italian Government was worthy of our careful attention and would receive full consideration. We had no thought of giving up the privileges of the Consular residences, but we did not think it would be consistent to exercise the right of asylum in such manner as to obstruct in any way the ordinary course of justice.

I am, &c.
(Signed) GRANVILLE.

No. 142.

Earl Granville to Sir J. Drummond Hay.

(No. 28.)

Sir,

Foreign Office, June 26, 1883.

WITH reference to previous correspondence, I transmit herewith, for your information, copies of further correspondence as marked in the margin,† with Mr. H. Lee, M.P., respecting the establishment of the North-west African Trading Company at Cape Juby.

I am, &c.
(Signed) GRANVILLE.

No. 143.

Lord E. Fitzmaurice to Mr. Lee, M.P.

Dear Sir,

Foreign Office, June 26, 1883.

I HAVE received, and have referred to Lord Granville, your letter of the 31st ultimo, inclosing the Circular to which you had alluded on a previous occasion,

* No. 139.

† Nos. 96 and 140.

explanatory of the objects and working of the North-west African Trading Company, and referring to the question, which has already been under consideration, of the disposal of the Company's interests to the Emperor of Morocco.

In reply to your question whether it is recommended that the Company should enter into negotiations through Her Majesty's Minister in Morocco with reference to this matter, I am to observe that Sir John D. Hay would no doubt be happy to assist the Company in opening negotiations with the Sultan for the sale of their establishments and any rights which they may possess at Cape Juby, should the Company desire it; but Lord Granville can express no opinion as to whether such a course is expedient or not in the interests of the Company.

I am, &c.
(Signed) EDMOND FITZMAURICE.

No. 144.

Earl Granville to Viscount Lyons.

(No. 635.)

My Lord,

Foreign Office, June 27, 1883.

I TRANSMIT to your Excellency herewith despatches, as marked in the margin,* together with their inclosures, which I have received from Her Majesty's Agent and Consul-General in Tunis, respecting the forcible invasion by a body of men, under the leadership of MM. Delsol and Maréchal, French citizens, of a piece of ground in the vicinity of the "Régie des Tabacs," belonging to General Sid Hamida Benayad, a British protected subject. The piece of ground at the time of the violent entry thereon effected by these persons was in the charge of a Moorish watchman placed there by Her Majesty's Consulate-General to guard the property pending the settlement of a rival claim to its ownership, and the watchman had been put in charge in pursuance of an understanding come to between the British and French Consulates. The protestations of the watchman were disregarded, and the Dragoman of the British Consulate who had been summoned to the spot was treated with rudeness and contempt.

It will be seen that not only has Mr. Reade's remonstrance addressed to the French Chargé d'Affaires failed to procure the evacuation of the ground, but that the "Tribunal Correctionnel," to whom Baron d'Estournelles declared recourse must be had, has affirmed its incompetence to deal with this matter. In the meantime the parties who have seized the property have commenced building a stone wall thereupon.

I have to request that your Excellency will bring this case at once to the notice of the French Government, and that you will urge them to call for a Report on the subject from their authorities in Tunis.

It appears to Her Majesty's Government that there is no reason to doubt that the question of title to the ground must be decided by the competent Tribunals; but there is the distinct fact that the guardian appointed by the British Consulate, by agreement with the French Consulate, has been forcibly ejected, and that the French authorities refuse to afford redress.

Mr. Reade has reported by telegraph that the first inclosure in his No. 32 the "twijja," or surveyor's certificate, will shortly be sent, but your Excellency has ample materials for your representation to the French Government without this document.

Her Majesty's Government do not doubt that redress will be immediately afforded by the French Government for this violent and illegal proceeding on the part of their citizens to the detriment of a British subject in the Regency and for this affront to the British Consulate.

I am, &c.
(Signed) GRANVILLE.

No. 145.

Earl Granville to Count Bylandt.

(Confidential.)

EARL GRANVILLE presents his compliments to Count Bylandt, and with reference to the verbal communications which have passed upon the subject of the proposed abolition of Consular jurisdiction in Tunis, has the honour to transmit to him

* Nos. 125 and 135; and Mr. Reade (Telegraphic), No. 10, June 22, 1883.

herewith, for his confidential information, copy of a note which was addressed to the French Ambassador on this subject upon the 20th instant.*
Foreign Office, June 27, 1883.

No. 146.

Viscount Lyons to Earl Granville.—(Received June 28.)

(No. 404.)
 My Lord,

Paris, June 27, 1883.

M. JULES FERRY said to me this afternoon that he had received with great pleasure the satisfactory answer which your Lordship had made to the communication from the French Government on the subject of the Tunis Capitulations.

I have, &c.
 (Signed) LYONS.

No. 147.

Earl Granville to Viscount Lyons.

(No. 636.)
 My Lord,

Foreign Office, June 28, 1883.

I TRANSMIT herewith, for your Excellency's information, copy of a telegram from the Italian Minister for Foreign Affairs, which has been communicated to me by the Italian Chargé d'Affaires at this Court, containing the draft of the reply which the Italian Government propose to make to the request of the French Government on the subject of Consular jurisdiction in Tunis.†

I am, &c.
 (Signed) GRANVILLE.

No. 148.

Sir J. Drummond Hay to Earl Granville.—(Received June 29.)

(No. 53.)
 My Lord,

Tangier, June 22, 1883.

WITH reference to my despatches No. 11 of the 9th February, No. 38 of the 7th May, and No. 42 of the 28th May, regarding the intention of the Spanish Government to take possession of the site ceded by Treaty for a fishing station, I have the honour to transmit copy of a despatch I have received from Her Majesty's Consul at Mogador.

I have, &c.
 (Signed) J. H. DRUMMOND HAY.

Inclosure in No. 148.

Consul Payton to Sir J. Drummond Hay.

Sir,

Mogador, June 15, 1883.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 28th May, and to express my gratification that my conduct in connection with the arrival here of Messrs. Curtis and Andrews has met your Excellency's approval.

Since Mr. Curtis' departure, per French steamer "Vosges," on the 5th instant, it has been reported here that the principal Kaid south of the Atlas are ordered not to join or send contingents to the Sultan's army on its northward and westward march, but to remain in the south; and it is stated that some of those in the interior are to go towards Tizneet, &c. (see my letter of the 4th instant), with orders that if the Spaniards land at the proper place, near Porto Cansado, all is well, but if they attempt to land elsewhere there will be war.

I believe the Moorish Commissioners, together with the Spanish Consul and one of the Spanish Commissioners, Señor Don Juan de Leon y Castillo, proceeded to Tangier

* No. 127.

† No. 130.

per "Mogador;" the Moorish Commission having received instructions, in consequence of the failure of their Conferences with Spain to bring about any agreement as to the site of Santa Cruz de Mar Pequeña, to go to Tangier to consult Cid Mahomed Bargash, and that they may possibly have to go on to Madrid afterwards.

It is said by the Moors that if they like to take the place which was agreed upon at Madrid [?], viz., Porto Cansado, or a place close to that inlet, well; but they cannot be allowed to pick and choose between Agadir, Agloo, Messah, &c.

Kaid Sbannig, of Ras El Wad, is reported to be going in the direction of Tizneet or Ait Ba Amram, with troops, and Kaid M'Hajoub, of Ida Ougilool (Haba), is reported as having already moved southward.

With reference to Mr. Curtis' operations at Erksheesh, I desire to submit to your Excellency the correction of a slight geographical error in my former communications.

Instead of being about midway between Agloo (Agulah) and Assaka, Erksheesh is nearly 50 miles below Agloo, and only about 12 north (or rather north-east) of Assaka, or Rio de Paya Blanca. Erksheesh is, however, about half-way between Agloo and the place which is marked as Assaka on the Admiralty Chart, on which the (approximate) site of Erksheesh is marked as Wad Gueder.

I have, &c.
 (Signed) CHAS. A. PAYTON.

No. 149.

Sir J. Pauncefote to Sir R. Wood.

Dear Sir R. Wood,

Foreign Office, June 29, 1883.

IN reply to your letter of the 23rd instant, I beg to inform you that Mr. Reade has already forwarded to this Office a copy of General Si Hamida Ben-Ayat's Memorial respecting his claims upon the Tunisian Government. Mr. Reade has also communicated a copy of it to the Minister for Foreign Affairs of His Highness the Bey of Tunis.

I am, &c.
 (Signed) JULIAN PAUNCEFOTE.

No. 150.

M. Mancini to M. Catalani.—(Communicated to Earl Granville by M. Catalani, June 29.)

(Télégraphique.)

Rome, le 28 Juin, 1883, 1-15 soir.

VEUILLEZ remercier Lord Granville des éclaircissements qu'il vous a donné quant au droit d'asile.

Nous sommes d'accord qu'il faut le régler de manière à ne pas entraver l'action des Tribunaux pour la répression des délits.

No. 151.

Mr. M. de J. Levy to Earl Granville.—(Received June 30.)

My Lord,

59, Fenchurch Street, London, June 29, 1883.

I VENTURE to trouble your Lordship with a matter of deep interest to me. It is in reference to a claim on the French Government arising out of the military operations in Tunis, and about which I have not hitherto thought it needful to address your Lordship, although troubling you about the Sfax claims, thinking my claim so clear and so just that I anticipated, with the assistance of Her Majesty's Agent and Consul-General at Tunis, to bring the matter to a speedy conclusion.

I regret, however, that now, after two years, there appears to be less hope of an immediate settlement.

I am the owner of a store and of land surrounding it at Gabes. Two years since, on arriving at Gabes, the French troops occupied my property, forcibly entered the warehouse, and made use of the esparto stored therein for fuel and litter, and subsequently converted the whole property to their use, even erecting buildings and fortifications.

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As I could obtain no satisfaction for these proceedings, I addressed myself on the 24th November last to Mr. Reade, Her Majesty's Agent and Consul-General at Tunis, and authorized Mr. M. P. Levy, of Tunis, to act in the matter on my behalf.

On the 2nd April Mr. M. P. Levy attended, by invitation, a meeting of French military officers at Gabes appointed to examine my case.

After much negotiation at that meeting, Mr. M. P. Levy agreed on my behalf to accept—

	Fr.
For the store	20,000
For the land, being at 5 fr. per square metre	75,000
As rent for the two years' occupation	8,000
Total	103,000

No acceptance of this reasonable and reduced offer having been notified, Mr. A. M. Broadley was instructed to write a letter on the subject to Mr. Reade; and he stipulated on my behalf that the above-named offer should be accepted by the 1st July, failing which, it would be understood I should no longer be bound by my proposal, and that I should in fact be justified in raising my demands.

Mr. Broadley proceeded to require, in the event of non-acceptance, that my property should be at once evacuated and restored to the condition in which it was when occupied in 1881.

I was willing to accept 8,000 fr. as the rent for two years, in order to facilitate a settlement, although I have all along maintained that my original demand of 10,000 fr. per annum was a fair rent.

I cannot help thinking that, were the question submitted to arbitration, any respectable and independent gentleman acting as arbitrator would award me more than I claim, both in the matter of rent and value of the property.

I beg to inclose copy of the letter which I addressed to Her Majesty's Agent and Consul-General at Tunis on the 27th instant, as also copy of the letter addressed by General Forgemol to the Resident of the French Republic in Tunis, dated the 11th June.

I venture to hope that, on consideration of the facts, Her Majesty's Government will be pleased to support my claim, in order to bring about an early settlement.

I have, &c.
(Signed) M. DE J. LEVY.

Inclosure 1 in No. 151.

Mr. M. de J. Levy to Mr. Reade.

Dear Sir, 59, Fenchurch Street, London, June 27, 1883.

MR. M. P. LEVY has sent to me the copy, which you were good enough to transmit to him, of a communication from General Forgemol to the Resident of the French Republic in Tunis, dated the 11th June, and written in answer to the letter to you which Mr. A. M. Broadley wrote on my behalf on the 1st June.

It is with great surprise that I notice several inaccuracies in General Forgemol's letter.

It is alleged that Mr. M. P. Levy was present at two conferences at Gabes, namely, on the 2nd and 11th April.

Mr. M. P. Levy was only present on the 2nd April. On the 11th April Mr. M. P. Levy was at Sfax.

General Forgemol proceeds to refer to statements of Mr. Jona Cohen, agent of Mr. Tajar, of Malta. I do not know to what statements reference is made; but you will permit me to remind you that, in my letter of the 6th February, I informed you Mr. M. P. Levy was my sole representative in the matter of my Gabes property.

General Forgemol having doubted my right to be considered the proprietor of the store and land, I presume his doubts will now have been set at rest by the deposit at the Consulate, on my behalf, of the title-deed.

The reference to the *procès-verbal* of the conference of the 11th April is, of course, of no value on this point, as I have already had occasion to point out to you that Mr. M. P. Levy was not then present.

Mr. M. P. Levy, moreover, positively denies that he was asked to produce the title-deed.

At the conference of the 2nd April Mr. M. P. Levy was told that I held only

11,030 square metres of land, and he replied that the measure named in the deed was 15,750 square metres. He was then asked if he had the document with him, and he replied that it was at Tunis.

General Forgemol points out a discrepancy between the statement in my letter of the 24th November, 1882, that I possessed 16,000 square metres (this was really said in my letter of the 6th February, 1883), and Mr. Broadley's claim on my behalf to 15,000 square metres.

I have, in the first place, to point out that in both cases the measurement has been given roughly, it being immaterial to have the exact measurement till the negotiations are more advanced. I have also to point out that the store occupies about 750 square metres, leaving 15,000 square metres of land.

General Forgemol's letter is hardly couched in courteous terms, but having recapitulated the points in his letter to which I cannot adhere, I content myself with repeating the demand put forward on my behalf by Mr. Broadley.

Unless my proposals be accepted by the 1st July next, I shall no longer consider myself bound by them.

I therefore ask that my property be at once evacuated, that it be restored to me in precisely the same state as when entered upon, and that a payment be made to me of 20,000 fr. for two years' rent of store and land.

In case my offer should not be accepted, I shall claim a much higher rental.

Yours, &c.
(Signed) M. DE J. LEVY.

Inclosure 2 in No. 151.

General Forgemol to the Resident Minister of the French Republic in Tunis.

M. le Ministre Resident, Tunis, le 11 Juin, 1883.

EN réponse à votre lettre en date du 8 Juin, 1883, j'ai l'honneur de vous faire connaître que j'ai pris très attentivement connaissance de la lettre de 2 Juin de M. l'Avocat Broadley, représentant de Mr. Levy, de Londres.

J'ai rapproché les affirmations de cette lettre des réclamations antérieures faites directement par Mr. Levy, en même temps que des termes du procès-verbal des Conférences tenues les 2 et 11 Avril à Gabès, en présence du représentant de Mr. Levy. J'ai revu en même temps les déclarations faites par Mr. Cohen, de Sfax, représentant du Sieur Tajar, de Malte.

De cet examen, il résulte pour moi un doute sérieux sur la réalité des droits de Mr. Levy sur les terrains qu'il revendique et que nous occupons en ce moment, et l'obligation pour l'Administration Militaire d'interrompre les négociations d'achat.

Mr. Levy a été vainement invité plusieurs fois à présenter ses titres de propriété et, malgré tout, ne les a jamais produits, comme le constate le procès-verbal de la Conférence du 11 Avril, 1883.

Il a assigné de plus une superficie de 16,000 mètres carrés dans sa lettre du 24 Novembre, 1882, au terrain qu'il revendique, tandis que son représentant la porte seulement à 15,000 et que, considéré comme enclave des propriétés Advocato, Sicard, Galea et Congrégation Juive, ce même terrain ne mesure en fait que 11,030 mètres carrés.

Devant ces contradictions notables et l'absence de toutes preuves, j'ai tout lieu de mettre en doute la réalité des droits de propriété de Mr. Levy et de me refuser dès maintenant à le considérer désormais comme propriétaire du terrain revendiqué tant que les titres n'auront pas été produits.

L'Administration Militaire, en possession actuellement, se bornera donc à attendre cette justification.

S'il paraît établi que la maison occupée actuellement par le cercle des officiers de Gabès et pour l'achat de laquelle Mr. Levy demande 25,000 fr., appartient à ce dernier, il ne s'ensuit pas que le terrain sur lequel elle est bâtie lui appartienne. La propriété en est contestée en même temps que celle du terrain qui l'avoiisine.

En conséquence, l'Administration ne saurait l'acheter avant la constatation des droits de propriété sur le terrain où elle est bâtie.

Je vous prie, M. le Ministre Résident, de vouloir bien faire connaître au représentant de Mr. Levy la position nouvelle donnée à l'affaire dont il s'est chargé.

Veillez, &c.
(Signé) L. FORGEMOL.